

MINUTES

REGULARLY ADJOURNED MEETING OF THE PLANNING COMMISSION IN JOINT SESSION WITH THE REGULARLY ADJOURNED MEETING OF THE ENVIRONMENTAL COMMISSION

HELEN KAWAGOE CITY COUNCIL CHAMBERS, CARSON CITY HALL
701 East Carson Street, Second Floor
Carson, CA 90745

March 12, 2014 – 6:30 P.M.

1. **CALL TO ORDER** Chairman Faletogo called the meeting to order at 6:40 P.M.
2. **PLEDGE OF ALLEGIANCE** Chairman Faletogo led the Salute to the Flag.
3. **ROLL CALL**

Planning Commissioners Present: Brimmer, Diaz, Faletogo, Goolsby, Piñon, Schaefer, Saenz, Verrett

Planning Commissioners Absent: Gordon (excused)

Environmental Commissioners Present: Hellerud, Hopson, Mack, Taylor, Love

Environmental Commissioners Absent: Burr, Jimenez, Muckey, Perry

Planning Staff Present: Senior Planner Signo, Assistant City Attorney Soltani, Recording Secretary Bothe
4. **AGENDA POSTING CERTIFICATION** Planning Secretary Bothe indicated that all posting requirements had been met.
5. **AGENDA APPROVAL** Commissioner Saenz moved, seconded by Commissioner Brimmer, to approve the Agenda as submitted. Motion carried, 9-0.
6. **INSTRUCTIONS TO WITNESSES** Chairman Faletogo requested that all persons wishing to provide testimony stand for the oath, complete the general information card at the podium, and submit it to the secretary for recordation.
7. **SWEARING OF WITNESSES** Assistant City Attorney Soltani

8. **ORAL COMMUNICATIONS** For items **NOT** on the agenda. Speakers are limited to three minutes. None.
9. **NEW BUSINESS DISCUSSION/WORKSHOP**
- A) **Shell Carson Revitalization Project (CRP)
Draft Environmental Impact Report (DEIR)**

Applicant's Request:

The applicant, Shell Oil Products US, is requesting a joint workshop of the Planning Commission and Environmental Commission to receive comments on the Shell CRP Draft EIR during the 45-day comment period ending March 26, 2014. The Shell CRP Specific Plan provides land use and infrastructure planning for the revitalization of the 448-acre project site, including development of retail, industrial, and business park uses, expansion of the existing distribution facility storage and loading capacity, and the potential development of a future municipal service yard for the City. The subject property is located at 20945 South Wilmington Avenue.

Staff Report and Recommendation:

Senior Planner Signo presented staff report and the recommendation for the Planning Commission and the Environmental Commission to take public comments on the Draft EIR. He advised that no action will be taken this evening; that the DEIR comment period will end March 26, 2014; and that comment letters may be sent to staff during this comment period. He highlighted areas of the 448-acre project location; and commented on the existing uses, project objectives, key project features, project level components, and program level analysis and CEQA issues.

Kim Avila, representing Atkins Global, advised that the public comment period closes March 26, 2014; provided a detailed description of the CEQA EIR process and the CEQA process for the CRP; and addressed the CEQA Initial Study, the thresholds for significance, impacts and mitigation measures, topics for analysis, and technical analysis for each of these topics. She highlighted some of the DEIR impact determinations, both significant and unavoidable, construction impacts, greenhouse gas emissions, air quality, transportation and traffic. She explained the next steps in this process, such as providing responses to the public's questions, presentation of the final EIR; and she mentioned where copies of the DEIR are located for the public's review.

Mat Melendez, representing Shell Carson Distribution Facility, stated that the Carson Revitalization Project (CRP) has been in the planning stages for several years; pointed out that Shell is a long-term, responsible corporate citizen in Carson; and advised that the CRP will revitalize underutilized property and create a lot of jobs, create increased tax revenues for the city, and beautify the area. He commented on Shell's current operations; highlighted Shell's social investment programs in this community, such as providing scholarships, tree planting events, etc.; and addressed Shell's good safety and environmental record in Carson, noting there have been no major safety incidents at this facility. He stated that this project will utilize a construction emissions management plan, adding that they will also be using recycled water. He stated this facility serves many local businesses, including Los Angeles Airport; and explained that

the need for biofuels is increasing. He commented on this master plan site organization, noting it will also include a neighborhood-oriented retail center and large business park.

Commissioner Brimmer asked how Atkins was selected.

Senior Planner Signo stated that Atkins is the consultant that was selected through the Request for Proposal (RFP) process; stated that the City gathered a number of proposals from environmental firms; that those qualifying firms were evaluated and interviewed and one ultimately selected by the City; advised that Atkins (formerly EIP Associates) has been working with Carson on this project since 2007, but has been working with Carson on various projects for over 20 years; and he stated that with any EIR process, the costs are borne by the applicant.

Commissioner Schaefer asked for clarification on how long the unavoidable impacts last, whether it be for the duration of project operations or during construction only.

Ms. Avila highlighted Section 4.6, where it addresses the impacts in the first phase, being 5 to 7 years for receipt of entitlements, noting there are significant, unavoidable impacts for just the project level mostly due to 3 out of 4 loading/distribution lanes and, additionally, putting in 10 tanks in the next 20 years; and explained that it's not just the size of the project but the amount being done in the first phase. She noted that Table 4.6-1, construction vehicle trips, assumes a lot of greenhouse gas emissions occurring from trucks exporting/importing supplies/materials, pointing out this project will require quite a bit of soil export/import that will exceed the 10,000-metric-ton standard, which is relatively new. She explained that they have identified and will require all the mitigation that is now available and known in the industry to reduce the impacts below a certain threshold, but they are not able to definitively say what the effects of all this mitigation will be because there hasn't been enough experience to reduce greenhouse gas emissions, noting greenhouse gas is a tricky and evolving topic.

Vice-Chair Verrett asked for more information about Shell's plans for the salt marsh, questioning how over-flooding will be managed and whether there are plans to build on top of this area.

Mr. Melendez explained that on Chico Street, there is currently a storm water basin that retains all storm water on site, allowing that water to evaporate over time; and stated that resources will be spent to build/extend/replace that storm water basin on 213th and along Tajauta.

Commissioner Brimmer asked if the proposed jobs are permanent or temporary.

Mr. Melendez explained that those are direct, full-time, temporary and permanent jobs that will result from this project, both construction and operations; and noted that this project will also create indirect jobs as people shop the retail component of this project.

Commissioner Brimmer noted the necessity to provide a safe project for the community and asked how many tanks will be built in Phase I and whether those will be above ground.

Mr. Melendez stated that with market demands, up to 30 above-ground tanks will be put in place in the next 20 years.

Commissioner Brimmer asked if the community had been apprised of this project and whether any community comments had been received.

Mr. Melendez explained that they have followed every step for full disclosure, some correspondence having been attached to staff's report.

Commissioner Brimmer asked what minor incidents have occurred on site, highlighting the prior comment there have been no major incidents onsite.

Mr. Melendez reiterated there have been no major incidents with this site, noting a couple minor incidents that have been fully contained on site.

Environmental Commission Chair Love addressed his concern with the health impacts, noting that zip code area 90746 has a high incidence of hospitalizations for asthma-related illness, questioning what can be done to decrease the air quality impacts that affect the residents. He noted that the offsets for mitigation coming from another region do little for this community's air quality.

Mr. Melendez explained that the environmental impact review did analyze and disclose all of those and they did all they could do to identify mitigation measures, noting they will continue to work with the City; he added that because this is a long-term project, the actual offsets won't be required until they do the construction of the project; and noted for now, he is not able to answer where those offsets will be at that time.

Julian Capata, representing Atkins Global, noted he specializes in air quality and noise effects; and explained that it is through this EIR where they have identified the construction impacts of the project, both the near term Phase 1 and long term, which would expose sensitive receptors (residents and school children) to potential health risks due to air quality emissions, mainly fugitive dust and NO₂. He explained that the young fugitive dust results from the removal of soils that are required over that large area, and NO₂ is the result from trucks required to move those materials. He added that they also looked at whether the operations would lead to any long-term health risk, both in the form of emissions with breathing in particulate matter, as well as increased activities at the loading center and diesel truck trips involved with those operations; stated that it was determined those impacts would be below the state's and South Coast Air Quality Management District's standards and thresholds; and that the health risks, or at least exceedence of thresholds, would no longer exist once the construction phase is completed. He explained there will be mitigation measures on site, such as watering down the soil to reduce dust, requirements that the construction vehicles must have the most up-to-date emissions; but added that due to the large nature of the project, they were not able to get those emissions and dust levels below the thresholds of significance during the construction phases.

Commissioner Saenz asked what time the construction activities will be allowed. He asked whether rerouting of traffic will be necessary so as not to disturb the residents.

Senior Planner Signo noted that construction is allowed from 7:00 A.M. to 7:00 P.M., Monday through Saturday and that no construction is permitted on Sundays and federal holidays.

Mr. Capata stated that this issue is addressed in the noise section of the project, truck noise, adding that trucks hauling soil from the distribution facility will be prohibited from traveling on 213th Street and, if feasible, access granted via internal routes from Wilmington Avenue and Del Amo Boulevard, noting this mitigation is to reduce the number of trucks traveling on residential streets to the extent possible. He added that they have also put a limit on the existing number of trucks that can travel on one of the residential streets, 30 truck trips, reducing the emissions along the residential streets in the area.

Commissioner Saenz asked when the construction will commence following approval.

Mr. Melendez stated the project will depend on market demand for these properties, expressing his desire to start construction once the project is approved; and he noted it will take some time to get the plans together.

Commissioner Saenz requested that well-known businesses/restaurants be encouraged to locate to this site.

Michael Huang, facility manager for Shell Pipeline Company, noted his support of this project; stated he is very proud to work for a company that puts safety as its No. 1 priority for its employees, contractors, the community and the environment; he highlighted Shell's community outreach with the Hurricane Katrina community in New Orleans, noting that Shell supports the communities wherein they operate; and stated he is also personally committed to the safety of this facility. He stated that the company and its employees take a lot of pride in their safety record, noting they have not had any significant events at their terminal; explained that they routinely conduct safety drills and work closely with emergency agencies to practice for emergency preparedness; he stated that when any mishap takes place, no matter how small, it is taken very seriously and thoroughly investigated so they learn from those incidents; and he urged support of this project, stating they will continue to conduct operations in a safe manner into the future.

Chairman Faletogo asked if there were any major accidents at this terminal.

Mr. Huang stated no major accidents have happened at this facility; advised that they have had some minor incidents that have been fully contained on their facility and appropriately and efficiently resolved.

Richard Walck, Shell Oil Pipeline maintenance supervisor with a crew of 15, stated that he has been employed by Shell for 35 years, 32 of those working in Carson; and explained that his role and that of his crew each day is to make sure all the equipment, tanks, pumps, valves are in prime working order to operate safely and in compliance with safety and health regulations. He added that on behalf of Shell, he participates in the community tree planting events and works with the local Boys and Girls club, etc. He stated he is committed to the safety of all concerned, noting that Shell is one of the safest companies in the industry.

Camilo Ferman, Shell Pipeline Company plant operator for 22 years at the Carson facility, starting his employment with Shell in 1979; noted that his is currently a plant operator in the tank farm; and pointed out that safety is emphasized as Shell's No. 1 priority, noting he is responsible for continuously monitoring their equipment, securing the safety of the employees, the residents in the community and the environment.

Lisa Barfield, Shell Pipeline Company terminal manager for the Carson facility, employed by Shell for over 25 years, advised that safety is ingrained in each of their employees in their every day work environment, safety of their employees, contractors, the safety of their neighbors, and the safety of the environment. She noted there are employees on site 24 hours a day, 7 days a week whose main responsibility is to monitor all the equipment, pipelines, and tanks; and that it is her belief Shell runs a very safe operation, noting she is proud to work for Shell.

Dr. Rita Boggs, resident, pointed out that during this evening's presentation, there was no mention of benzene, highlighting its harmful effects; and urged the applicants to stop focusing on jobs and to focus more on the health and welfare of the people living in Carson, stating that should be top priority. She stated that NO₂ causes cancer as well, urging that these issues not be ignored; and stated that while the damage from exposure may not be evident immediately, there are long-term effects that show up years later, cautioning everyone to be very careful on what is approved in this industry. She added that it is the Commission's responsibility with their decisions to maintain the safety of the residents of Carson.

John Wogan, president of the Carson Chamber of Commerce, noted his support of this project, stating it will bring much needed jobs and tax revenues to this city; and stated that the revitalization will be a vast improvement to this property. He stated that the project planners have put a lot of thought, care and sensitivity into this plan for years; and stated that the Chamber is excited to see this project break ground.

Barbara Post, resident, stated that she lives in the Carousel tract and is currently in litigation with Shell and limited on what statements she will make this evening; and stated that reading this EIR about the proposed tanks is worrisome, covering them with dirt and proposing that everything will be okay, just as they believed with the Carousel tract many years ago. She stated that people and pets are dying from cancer in the Carousel tract; and she implored the City to think twice about this tank expansion project. She added she is surprised with the limited number in attendance this evening, questioning if the neighbors were apprised of this hearing.

Senior Planner Signo stated that this hearing was fully advertized in the newspaper, by mail, public hearing notices on site at several locations, and the City's website.

Commissioner Piñon asked if the numbers in the table on Page 4.2-30 regarding the maximum daily pounds per day of emissions are before or after mitigation.

Mr. Capata indicated those are after mitigation.

Commissioner Piñon asked what the point is of having thresholds outlined by SCAQMD for VOC's and particulate matter when the tables indicate far exceeding these thresholds for a number of years.

Mr. Capata explained that if a threshold is going to be exceeded, it is required of them to find mitigation measures to reduce the impacts as much as possible; he explained that due to the large nature of this site, a lot of soil and dirt will be removed, requiring a vast number of construction trips; and that there are no other measures at this time to reduce those emissions to levels beneath the thresholds. He added they have a long list of mitigation measures that are going to be required, and there are other potential best practices that Shell will look to implement, if feasible. He added that the purpose of CEQA is to disclose to the decision-making body what the potential impacts are, ways to reduce those impacts, and determine whether the benefit of the project out-weighs the potential impacts.

Commissioner Piñon asked if any LEED certification is being sought for this project.

Mr. Capata stated that they will be required for all the new buildings to install energy efficient features, such as potential roof solar panels for internal energy; and added that many features will be implemented through mitigation measures for energy efficiency. He explained that because there are currently no building or site plans, it is not known what level of LEED certification they will be seeking, noting it will be up to the City to determine what level of energy efficiency that building would have to meet.

Commissioner Diaz stated that he mostly struggles with the threshold of significant project impacts, mitigations and unavoidable impacts; noted his concern with the cumulative impacts with greenhouse gas emissions from transportation, traffic, how that impacts peak hours at some of the City's intersections; and urged the City to focus on trying to lessen the significance of those significant and unavoidable issues of concern to the extent possible, believing there is not enough being done to truly mitigate those impacts.

Mr. Capata stated that mitigation measures have been identified for the intersections and the 405 freeway, but explained that there is no more capacity left to resolve issues with those on-ramps/off-ramps; and he added that this city shares its border with L.A. County and that there are air quality mitigation efforts taking place with L.A. to implement those mitigation measures, noting that Carson does not have control over those measures. He explained that the EIR declared those intersections would be impacted in a significant manner, but if they were solely in Carson, then they would be found to be less than significant. He stated they have thoroughly reviewed the list of AQMD's mitigation measures, placing special emphasis on reducing construction impacts by incorporating mitigation measures with the guidance of AQMD; and expressed his belief that the City and the applicant are committed to mitigating the impacts to the extent possible.

Ms. Avila commented on the analysis of alternatives to the project, explaining they analyzed several reduced project alternatives, such as the project does not move forward and stays the same, buildout allowed under the General Plan, or reducing the scope of the project by approximately 43 percent. She added that when they looked at air quality effects with that reduction, construction would still result in the emission of NOx emissions as well as particulate matter that exceeds the thresholds established by AQMD and still have significant unavoidable impacts. She noted that Page 6-33 is where they identify the environmental superior alternative, that discussion going through its comparison with the goals for the project.

Chairman Faletogo stated that the top priority should be the health and safety of the residents in this community, asking for further input on the study for benzene.

Ms. Avila explained that they studied two things which were related to benzene, one being a water issue, the potential for migration; and stated that water supplies are highly regulated/controlled around the tanks, but added that there are no situations where water leaves the site because of retention basins. She highlighted health risk assessment Figures 4.2-1 and 4.2-2 which addresses those studies. She explained that this assessment looks at the cancer risk arising from the project site; stated there is a lot of control in what happens on site, which is required by regulatory agencies and best practices; and stated that 4.8-5 shows that control system will be managed differently and changed in the revitalization area. She explained that looking at the entire program along Wilmington Avenue and along Del Amo Boulevard, the potential risk for noise somewhat radiates out from that truck route, egress/ingress, noting their intent for the program to move the truck route access away from the residential area to provide more of a buffer.

Environmental Chair Love highlighted the health risk assessment, questioning if it would be proper to consider the local conditions of the community that is adjacent to the site; and he reiterated his concern with the high hospitalizations due to asthma-related illness in the 90746 community. He commented on the memorandum from President Clinton on Executive Order 12898, which addresses environmental justice in minority populations and low-income populations, that order designed to focus federal attention on the environmental and human health conditions in minority communities and low-income communities with the goal of achieving environmental justice.

Mr. Capata explained that the health risk assessment modeling does address prevailing wind patterns and ambient air quality, looking at the most sensitive receptors; and stated they did take into account the demographics of the community, the general age of the community, school children, workers, etc. He stated that the modeling did take into account many other environmental factors available to them.

Ms. Avila stated they'd like to look more closely at the local and California state level regarding that executive order, noting that because this is not a federal project, that executive order is not as robust at the local level as it would be at a federal project level and that it is treated differently.

Chairman Faletogo read into the record three letters related to this project (of record) – March 3, 2014, letter from the Carson Chamber of Commerce; March 3, 2014, letter from Adams Broadwell Joseph & Cardozo; and February 11, 2014, letter from Sandra Tomita.

Matthew Priest, 24713 Marbella Avenue, stated that he lives in the Carousel tract and is a 46-year resident of Carson; expressed his belief that people in the proposed project area will end up like those people in the Carsousel tract; stated that Shell should be spending its money on improving the health and welfare of the people their operations have harmed; and he asked the City not to grant Shell's proposal.

There being no further input, Senior Planner Signo advised that this process is currently in the public review/comment period, closing on March 26th; stated that the final EIR will include the responses to comments; and noted that staff will bring this matter back before the Planning Commission at a later date.

Commissioner Brimmer asked to be provided the power point presentations shown by staff and the applicant this evening.

Chairman Faletogo thanked everyone in attendance for their participation.

Commissioner Diaz moved, seconded by Commissioner Brimmer, to receive and file this report. No objection was noted.

10. ADJOURNMENT

At 8:45 P.M., the meeting was formally adjourned to Tuesday, March 25, 2014, 6:30 P.M., Helen Kawagoe City Council Chambers.

Chairman

Attest By:

Secretary