

MINUTES

CITY OF CARSON REGULAR MEETING OF THE PLANNING COMMISSION

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

May 12, 2015 – 6:30 P.M.

1. **CALL TO ORDER**

There being no Chairman, the Secretary called the meeting to order at 6:41 P.M. with the assistance of the City Attorney's Office for the purposes of selecting an Acting Chairman.
2. **PLEDGE OF ALLEGIANCE**

Commissioner Faletogo was elected Acting Chairman, and the meeting was turned over to him.

Acting Chairman Faletogo led the Salute to the Flag.
3. **ROLL CALL**

Planning Commissioners Present: Faletogo, Madrigal, Post, Schaefer, Thomas, Alternates Gordon and Andrews

Planning Commissioners Absent: Diaz (excused)

Planning Staff Present: Planning Manager Naaseh, Assistant City Attorney Chaffin, Associate Planner Rojas, Planning Technician Alexander, Recording Secretary Bothe
4. **AGENDA POSTING CERTIFICATION**

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

Commissioner Schaefer moved, seconded by Commissioner Madrigal, to approve the Agenda as presented.

Planning Manager Naaseh requested that Agenda Item Nos. 11C, A, and B be considered before Agenda Item Nos. 10A and B.

Acting Chairman Faletogo moved, seconded by Commissioner Thomas, to accept staff's request. No objection was noted, and the approval of the amended Agenda

was approved (absent Commissioner Diaz).

6. INSTRUCTIONS TO WITNESSES

Acting Chairman Faletoogo 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 Chaffin

8. ORAL COMMUNICATIONS

For items **NOT** on the agenda. Speakers are limited to three minutes. None

9. CONSENT CALENDAR

A) Selection of Chair and Vice-Chair

Commissioner Madrigal moved, seconded by Commissioner Andrews, to elect Commissioner Diaz to serve as the Planning Commission Chair.

Commissioner Schaefer moved, seconded by Commissioner Gordon, to elect Commissioner Faletoogo to serve as the Planning Commission Chair.

Commissioner Schaefer expressed her confidence in Commissioner Faletoogo's leadership and encouraged a yes vote for his reappointment as Chair, believing that with the new appointments to this Commission, it would be helpful to have this continuity/stability.

Commissioner Madrigal expressed his confidence in Commissioner Diaz' leadership and encouraged a yes vote for his appointment as the Chair, noting he also has a great deal of experience as a Planning Commissioner.

Commissioner Post echoed Commissioner Madrigal's comments and encouraged a yes vote for Commissioner Diaz.

Commissioner Diaz was selected as the Planning Commission Chair as follows:

AYES: Andrews, Madrigal, Post, Thomas
NOES: Faletoogo, Gordon, Schaefer
ABSTAIN: None
ABSENT: Diaz

Commissioner Post moved, seconded by Commissioner Thomas, to elect Commissioner Madrigal to serve as the Planning Commission Vice-Chair. This motion carried, 7-0 (absent Chairman Diaz).

9. CONSENT CALENDAR

B) Minutes: April 28, 2015

Motion: Commissioner Faletogo moved, seconded by Commissioner Schaefer, to approve the April 28, 2015, Minutes as submitted. Motion carried without objection, 7-0 (absent Chairman Diaz).

(Agenda Item Nos. 10 A and B were discussed as the last order of business this evening.)

10. CONTINUED PUBLIC HEARING

A) Zone Text Amendment No. 19-15

Applicant's Request:

The applicant, city of Carson, is requesting the Planning Commission consider Text Amendment No. 19-15, to Adopt a Comprehensive Update of the City's Oil and Gas Ordinance Regulating Petroleum Operations and Facilities, and a finding of a Class 8 Categorical Exemption under CEQA Guidelines §15308. Properties involved are citywide.

Staff Report and Recommendation:

Planning Manager Naaseh presented staff report and the recommendation to identify additional refinements or items, if any, to include in the recommendation; and Direct staff to prepare an updated resolution and ordinance consistent with that direction and return for final approval by the Planning Commission at the regular meeting scheduled for June 9, 2015.

Planning Manager Naaseh highlighted various meetings with the community and/or industry representatives that have been conducted since the last public hearing, noting that the code has gone through more revisions that will be addressed this evening; and advised that an industry meeting was conducted this afternoon and that it is staff's recommendation to continue this matter to June 9th so a final version with those revisions to the code can be incorporated.

Luis Perez, MRS, explained that the City hired MRS to perform an update of the oil code that includes a number of items that had to be addressed, noting this lengthy code is essentially a response to a lengthy request for proposals that included a comprehensive outline of all the things the City wanted to have addressed; advised that the approach MRS is implementing is two-fold: 1) to provide a comprehensive code update that addresses the main issues that oil and gas production could bring to the City, particularly in urbanized areas, to protect the health and safety of the residents as much as possible; and 2) to ensure the new code would have a fracking ban included, as directed by City Council. He noted that MRS has provided within this update three different things: 1) administrative procedures; 2) development standards; and 3) development standards for abandonment and restoration.

With regard to administrative procedures, Mr. Perez advised that they attempted to provide the procedural requirements for someone trying to obtain a permit; noted there are a number of financial obligations for oil and gas facility operators which are proposed and also are protective of the City; that there are fines and fees for violators; and that there is a set of requirements to ensure if there is any new development of oil and gas facilities within the City, those facilities would be required to conform to the new code. With the aid of a power point presentation, he highlighted various administrative procedures, such as site abandonment, site restoration, high risk operator, operational noticing requirements, monetary compensation of violations, fines, nuisance issues resulting from operations, financial assurances, periodic reviews, and monitoring of code compliance.

With regard to development standards, Mr. Perez addressed potential environmental impacts, potential public health impacts, air quality, odors, noise, all involving standards found throughout California and from Carson's own experience with oil and gas operations in urbanized areas. He mentioned that his firm has a lot of oil and gas project experience within the southland and within urban areas and that they used some of this experience they have obtained throughout these communities to try and come up with these development standards that make sense in this community and alleviate the potential environmental impacts of oil and gas development. Other issues he highlighted were restrictions, setback requirements for residential/commercial and sensitive use areas within the community, noise impact restrictions, aesthetics restrictions, steaming standards, water quality, general environmental program, safety assurances/measures, emergency measures, leak detection, test requirements, air quality monitoring/testing, standards for wells and pipelines, site/well abandonment, site restoration and redevelopment, remediation. He stated that their approach to this oil code update essentially takes these operations from cradle to grave.

Mr. Perez highlighted the changes to the code since the last meeting stemming from Planning Commission direction, such as definition of acidification, modified applicability, clarified definition of new development, simplified change of ownership provisions, construction hour limitations, simplified requirements for signage and submittal of plan copies, removed requirements for fugitive dust control and an annual drilling plan, simplified pipeline requirements and the elimination of the Petroleum Administrator (PA).

Mr. Perez noted for Commissioner Gordon that the redlines are updates from the previous Planning Commission meeting, minus the strikeouts; explained that they chose not to highlight the knockout text because it is a cumbersome read for users, but noted they have included a line on the side where something has changed or may have been deleted from the previous version; and that anything added is shown as underlined.

Commissioner Thomas requested a copy of the redlined strikethroughs version, with all the changes to date.

Mr. Perez advised that there are 19 different updated versions of the code as they have moved forward with the refinements.

Assistant City Attorney Chaffin advised that they can provide a redline version as compared to the changes that were looked at by the Planning Commission from the last

meeting, explaining that they are not working off an original version but had started from scratch; and that what is before the Commission this evening is a consolidated new code that's being proposed.

Mr. Perez highlighted the Planning Commission's direction from the last meeting, noting they were directed to remove the PA position; that they have stricken the PA position and also in some cases have replaced the PA latitude to the City Manager; and he explained there are a number of requirements that still have to have a responsible party within the City. He added there were some areas where the PA had a lot of latitude of what they could do and that a lot of the language that included the latitude for the PA has been removed; and that there is now a lot more certainty as to what the City Manager can now do. He stated that part of the motion from the Planning Commission at the last meeting was to change the setback to 500 feet from the proposed 1,500 feet from residential use, which has been changed to reflect the Commission's direction. He noted that another part of that direction was to meet with other industry representatives and affected businesses, noting they have had a couple more meetings with industry representatives; and he added that some desire from the Planning Commission was expressed to simplify the code somewhat, but added that no specific direction was given. He expressed his belief they have simplified the code somewhat.

Mr. Perez noted that questions were posed from the Planning Commissioners regarding the availability of data; stated there are some requirements which have been placed within the code that current monitoring results/data availability is to be posted in real time and available on the City's website and/or on the operator's website; and stated that if Section 9535 is retained, the City can continue to include water usage limitations.

Mr. Perez highlighted other areas that were refined, such as including fines up to \$100,000 as part of the code. He advised that there are a total of 67 wells within Carson, noting they are not aware of any violations/fines regarding the existing facilities; pointed out that this code does not apply to these existing 67 wells because they have a vested right, they are currently operating and continue to operate under the provisions they have unless modifications or additional wells are proposed; and he added that only then they would fall under the new code. Responding to further inquiries, he explained that this code update was not put in place because of questions of any violations of the existing operators or because there are many wells, but only because City Council wanted to move forward with updating its oil code.

Mr. Perez noted some comments with the redundancy of other agency inspection responsibilities, stating that while there are a number of other state regulatory agencies that have responsibilities with oil and gas facilities, the inspection responsibility the City will have will be in addition to those responsibilities; and advised that they will be looking at different things these state agencies will be addressing. He added that in response to this concern, they have provided a hard copy (of record) of a comparison of how Carson's proposed regulations match up with state law.

Mr. Perez stated that the requirement for submersible pumping mechanisms is for aesthetics and noise reasons, but added that submersibles are not required within industrial zones; and advised that submersibles are not workable for every specific case and that they would not help much in an industrial zone.

Mr. Perez commented on emails received from the public related to concerns of earthquakes and faults in this area and questioning whether the operations are causing earthquakes; he advised that the United States Geological Survey (USGS) agency has commented about the depth of those earthquakes and the depth of which those oil wells are drilled and that they have concluded there was no opportunity for interaction between the faults, the depth of those faults, the earthquakes and the oil and gas operations. He added this was specific to the Inglewood fault which is sufficiently within the geographical area to be comparable to what is here for seismic activity.

Mr. Perez added that some in the community expressed a desire to have an outright ban on drilling; and he explained there are a number of vested rights issues, takings issues that are part of that type of a ban and a number of liability issues with an outright ban. He stated there was concern with possible dangers of drilling in Carson; noted the concern is not with existing operators because they have yet to see any problems; and stated that because the City currently has no application for any projects, it would be difficult to study/determine what dangers may exist at this point without any application.

Mr. Perez noted that industry representatives had some concerns regarding the definition of high risk operator and whether anybody can be called a high risk operator, requesting the City create a better definition; advised that they have made some modifications to the definition for high risk operator to ensure the industry concern is addressed while still retaining the opportunity to declare an operator high risk if need be. He noted that the industry representatives were concerned with a duplication of state regulations, such as fugitive/dust emissions, regulations that exist within the Air Quality Management District (AQMD), noting those have been removed from the code because of that duplication. He stated that while plans would require agency review, where the City no longer has the ability to approve those plans, the City will still be able to look at the plans and comment to an agency if the need arises, noting there was a slight change of that language. He stated that some issues are still being worked out with regard to exceptions for exploratory wells, the need for a Development Agreement (DA) and a Conditional Use Permit (CUP); and stated that the direction they currently have received is anything above three wells requires a DA and anything below three wells requires a CUP.

Mr. Perez advised that the industry is currently in the process of submitting additional language regarding insurance and bonding requirements from their own brokers as to how they will apply and whether are they workable; and advised that they are continuing to work with the industry to ensure the changes make sense but are still protective of the City's interest. With regard to industry concerns about the acidizing definition and acid volume thresholds for the wells, he noted they have made changes to those definitions to ensure those things the industry wants to do that are part of their regular operations can continue to be done, such as using acid to clean up the scale in the wells, which is not a substantial use of acid.

Mr. Perez stated that where possible, they have added in some flexibility of those requested changes; he reiterated that the changes to the oil code update do not affect the existing operations because those are grandfathered in and have vested rights; and that they would become legal, nonconforming if they were outside the setbacks or outside of the different regulatory framework of the new code and would have to come into conformance with that code if they propose any new development.

Commissioner Gordon questioned how has this been simplified.

Planning Manager Naaseh explained that it's going to be difficult to make this code simplified and is not possible to put everything that is required in a few pages.

Mr. Perez stated they did a number of different things to simplify the code; that they deleted reference to access roads and exploratory wells from the applicability section; that various duplicative requirements were deleted, such as submittal of plans that are required/approved by state agencies, and that copies of those plans will now be given to the City; deletion of the duplicative annual drilling plan, CUP and the DA requirements; and deletion of a fugitive dust control plan which was a duplicate of AQMD's requirements. He reiterated that there really was little direction from the Planning Commission on what specific modifications were to be made.

Commissioner Gordon stated that one direction was to simplify the code by not piecing it together from other codes in various municipalities; and another direction was to indicate how long will it take for someone to go through this entire process.

Planning Manager Naaseh explained that Planning deals with complicated codes all the time; stated it is sometimes necessary to have application requirements and submittal requirements and procedures that are set up to make it easier to go through the process; he stated that the City's zoning code is very long and not easy to figure out; and he noted that after a code adoption, there are ways to set up procedures that implement the code to make it easier for operators to provide projects that meet code.

Commissioner Gordon stated he would like to protect the public without making it overly complicated and burdensome on the applicants. He stated that another question was what is the cost of implementing this resolution, stating he does not want to see this effort tied up in expensive litigation when the whole purpose is to protect the public. With regard to the authority of the PA, he asked what's been redacted, noting the concern with one person having too much authority. He stated the Commission wanted the position eliminated altogether or the power greatly reduced, and asked staff to show him where the authority of the PA has been reduced.

Planning Manager Naaseh stated that the next version of the code will include the strikeouts. He added that somebody has to have the authority to implement this code.

Mr. Perez stated they were directed to either significantly cut back on the PA's authority or eliminate the position altogether; advised that they have completely removed the PA position but charged the City Manager with some of the responsibility that is required to be in place; and he highlighted various areas where the reference to the PA had been deleted, such as the responsibilities of the PA, the definition of a PA; in addition, 9507.1, CUP filing requirements, Sections H, I, and J, all of those references to the PA and requirements no longer exist, noting that a lot has been removed from the code to simplify it.

Commissioner Gordon stated he had asked for data on the largest setback requirement currently in effect in California.

Assistant City Attorney Chaffin advised that staff does not currently have that information as to what is the largest setback requirement in California because there is no central repository as to every single jurisdiction's codes/ordinances; explained that what staff has done is provided a statistical sampling with regard to oil industry areas where they are more than likely to occur, but to conclusively determine which has the greatest setback, staff does not have the resources available to do that and that it is a logistical challenge of determining that. He expressed his belief that what is before the Commission on this slide is a fairly decent representation of the setback requirements which typically range from 100 to 500 feet as a setback from residential units. He added there are some exceptions with regard to Bakersfield that have higher units and also had some environmental assessments that have assessed certain impacts, for example, those uses associated with oil, up to a total of 1,500 feet.

Commissioner Thomas asked if abandonment of a well is akin to new development and would be under the new oil and gas code once this is enacted and under the new regulations.

Planning Manager Naaseh indicated yes.

Commissioner Thomas requested a copy of the power point presentation.

Vice-Chairman Madrigal opened the public hearing.

Benjamin Hanelin, representing Californians for Energy Independence, stated that they agree with staff recommendation to continue this item; expressed his belief this is complicated and more time is needed to get it right, more time is needed to eliminate unnecessary and duplicative regulations, and more time is needed to draft a code that protects existing operations and the many jobs they support while ensuring that the City and its residents know what is needed, and that more time is needed to draft a code that provides certainty for everyone. He stated there is no need to rush because there are no pending projects. He stated that the code proposes a ban on well stimulation, including hydraulic fracturing; stated that this ban is unnecessary and that it exposes the City to substantial liability; and he urged the Planning Commission to recommend against the ban. He stated that the ban was proposed over a year ago; that much has changed since then that confirms the ban is not needed; and expressed his belief the City cannot ban these well stimulation methods.

Mr. Hanelin announced that the state's regulations on well stimulation have been finalized and will take effect on July 1st; stated that these regulations are the most stringent in the nation; that they require permits and extensive study and monitoring of hydraulically fractured wells; and that the state's EIR on well stimulation confirms there are no significant impacts to water resources and that fracking does not cause earthquakes. He stated that two separate scientific studies confirm that no water contamination has been caused by hydraulic fracturing in California and that well stimulation has no seismic impacts; and advised that these two reports were commissioned by the Bureau of Land Management and by the state of California (providing a copy of the executive summary). He added that these significant advancements obviate the need for any action; that local efforts to ban well stimulations are unwise and unnecessary; and asked that the Planning Commission recommend against the ban and recommend continuing this matter.

Michael Bowles, member of Californians for Energy Independence, a coalition comprised of hundreds of organizations throughout the state, expressed his belief the City's oil and gas code hinders energy production in this community; that it will jeopardize thousands of jobs and tax revenues which support critical services such as police, fire, parks, and schools; and he urged the City not to adopt the ban.

Cesar Avalos, resident, urged a vote against this ban, stating the oil industry is good for the local economy and working families in Carson.

Nick Gomez, resident, stated that Carson has a long history of providing good jobs; noted the importance of keeping jobs local; and he urged the City not to jeopardize jobs and not to place a ban on this industry.

Cruz Gonzalez, resident and member of Californians for Energy Independence, stated that he cares about this community; expressed his belief the updated code will have a negative local impact on tax revenues and services to residents; and he urged the City to take its time reviewing these updates and not to adopt a ban that will hurt local residents.

Germain Lopez, resident, advised that oil production in California is heavily regulated by state law; that this regulation is put in place to protect the health and safety of residents; he stated it is necessary to continue to have oil production in California, providing good jobs, vital tax revenues and help the residents of California achieve energy independence; and he expressed his opinion that enacting this code locally will interfere with the state's ability to enact comprehensive statewide regulations that protect all Californians.

Dr. Rita Boggs, resident, commented on the dangerous potential of methane gas; and stated that residents should not live anywhere near these facilities.

Cheryl Branch, resident, urged the City not to adopt the ban; she urged the City to talk to a wide range of citizens and community leaders to obtain their opinions regarding this effort; and stated that she is a member of a 7-month-old group called African Americans Organized for Better Petroleum Policies, a group which believes that reducing or banning oil production will increase prices, decrease jobs, and reduce revenues that are needed both locally and statewide. She stated that Carson can continue to benefit from the revenues generated from these operations to help the City balance its budget and provide necessary services such as police, fire, and schools; and she noted her support of continuing this item.

Tom Muller, Manatt, Phelps & Phillips, representing some of the owners of the mineral rights in Carson, noted that he provided a letter today to the Commission (of record); pointed out that the Planning Commission does not have an oil code before it for consideration because of any problems that have erupted with oil wells in Carson; advised that there are 67 oil wells in the City, noting that most of them have been here for decades; and stated that neither he nor the City's consultants have been able to find any problems associated with any of those wells, expressing his belief this is a solution searching for a problem. He expressed his belief the genesis of this effort stems from a national concern with fracking and the impacts it may or may not have, but stated it is irrelevant in Carson because the geological structures under the city of Carson are not

frackable. He added that in this atmosphere of fear over well enhancement methods, a lot of other things have gotten swept into this mix; expressed his belief that the consultants and staff, to some extent, have gotten the impression they should draft the most extreme anti-oil ordinance that's ever been encountered in California, noting that the mission has been accomplished with the first draft; but since then, he pointed out that staff has listened to all the stakeholders on all sides and there has been some progress. He stated that staff and the consultants need some clear direction. He expressed his belief that this can be simplified a lot, noting that much of what is in the ordinance is what happens below the surface of the earth; stated that is extensively governed by state regulations and with the expertise for this complex set of issues, noting he is doubtful the City has this same expertise; and stated that staff and the consultants should focus on the above-ground issues that could affect residents, believing that would be much more balanced in their approach.

Ralph Black, Rolling Hills resident and Carson property owner, suggested going very slow in this effort; stated that Hermosa Beach recently settled one of their oil/gas problems but they also are now being asked for a tax increase, questioning if that's what the City's residents want. He urged the City to be careful with its decision. He pointed out that many of Carson's residents cannot afford expensive fuel and that this is a working class community that is benefitting from the lower fuel prices.

Ted Cordova, E&B Natural Resources, Carson, advised that this company has been safely operating in Carson without incident; noted his appreciation in having the opportunity to attend the meetings and provide input, believing that some progress is being made; stated that he believes in and supports smart regulation; pointed out that California has some of the strictest oil and gas regulations in the world; and he urged the City to continue its dialogue with the industry representatives.

Al Sattler, RPV resident, congratulated the City on this process of protecting its residents, stating that the list of background publications on the City's website related to this issue is quite impressive; reminded those that this issue came to a head/start when Oxy Oil was initially proposing oil drilling and fracking; and that Oxy later withdrew their interest in fracking, but expressed his belief that is what started this process. He stated that the code needs to be explicit enough to protect the City in court while avoiding being overly complex. He asked that the City revisit the thresholds on odors, believing it needs to be more stringent.

Robert Lesley, resident, noted the need for an enforceable ordinance with fines and assessments in place; stated there is data available which indicates these operations can cause earthquakes; and expressed his belief that very few permanent jobs are created by this industry.

Alexandra Nagy, Los Angeles resident, member of Food & Water Watch, stated that Carson currently is in the top 15 percent of the most polluted cities in California, asking that be taken into consideration when adopting this code; expressed her disappointment this evening in the weakening of this code as a result of the recent changes since the beginning of this process; and she noted her opposition to backing down on the 1,500-foot setback, stating that residents are exposed to volatile organic compounds within a half-mile away of oil and gas operations, causing cancer, respiratory disease, and heart problems. She noted her concern that oil and gas operations are high risk and yet they

are allowed two violations before they are considered high risk; and reminded everyone that the safety and health of the residents should take top priority. She stated that New York just banned fracking; and she noted her concern with E&B Natural Resources not keeping up-to-date information on their website.

Diane Thomas, resident, urged the Planning Commission not to water down this code; asked that the PA provisions be put back into the code; stated that the PA is a much needed watch dog position, believing the City Manager should not be responsible for this position. She stated there are daily toxins being released into the atmosphere that are impacting the residents; advised that a nurse's union has indicated a high incidence in patients being impacted by environmental toxins; and she stated that this code needs to be understood but it also needs enough teeth to be effective. Ms. Thomas stated that she read the seismologist's report wherein it indicated those earthquakes were not caused by fracking, but she went on to say the report indicated they have not studied the issue enough. She advised that reports from Oklahoma and Texas state that fracking does cause earthquakes in those areas where there were no earthquakes before fracking activities and that they are becoming more intense.

Pilar Hoyos, representing Watson Land Company and Dominguez Energy, stated that this company is over 100 years old; advised that Dominguez Energy operated the oil field where today Dominguez Technology Center has approximately 100 buildings, both from Carson Companies and Watson Land Company; and stated that when she joined this company, there were over 200 wells that operated at that site for almost 70 years without incident. She stated this update to the code was brought about because of a project being proposed by Occidental Petroleum; noted it is unfortunate there was so much misinformation and outside forces who came in with an anti-oil message that caused a lot of fear and created a division within the community; and stated that Watson believes the Oxy project had a lot of benefits for this community, both in jobs and revenue. She pointed out that as the owner of all those buildings with Carson Companies and the surrounding industrial areas, Watson Land Company would not take risks to jeopardize those holdings. She added that a lot of work has been done to try and address the interests of the community, the concerns that have been raised over almost 3 years since the Oxy project was going through the EIR process, and it is unfortunate the message has been sent that someone cannot even go through an EIR process in this community.

Ms. Hoyos mentioned that Occidental Petroleum is being honored by the city of Long Beach; that they've had a positive long-term relationship with Long Beach for many years; and noted it's important to work together to come up with a reasonable ordinance that will protect the City but also understands the liabilities and the need to protect the mineral rights owners and operators.

Latrise Cotter (no card submitted) resident, stated it is time to update the oil code.

Vice-Chairman Madrigal closed the public hearing.

Planning Commission Motion:

Commissioner Faletogo moved to concur with staff recommendation to continue this matter to June 9, 2015; he urged staff and the consultants to continue to move things

forward and work with all interested parties; and directed staff to clearly identify all the issues and items of discussion that are consistent with state regulations/laws, asking how the City mitigates those issues and how the City amends the proposed code to be in compliance and not in conflict with state regulations.

Assistant City Attorney Chaffin suggested that with regard to the comment to identify all the issues, items of discussion that are in conflict with state regulations/laws, it would be an item more appropriate for either a confidential memo or a closed session, if there were any such laws; and that he would not recommend those be identified - if there were any conflicts - in a manner to expose the City to any legal liability. Instead, he suggested that the City could identify other regulatory requirements that are associated with the code as it currently has, articulating what those are; he pointed out that the consultants have already provided a regulatory requirements list; and stated that if Commissioner Faletogo would like additional information, that could be provided through that mechanism.

Commissioner Faletogo amended his motion to what was just stated by Assistant City Attorney Chaffin to identify other regulatory items in a confidential memo or a closed session.

Commissioner Schaefer seconded the motion.

Assistant City Attorney Chaffin responded to Commissioner Thomas' inquiry, stating that staff's recommendation is not to adopt this code this evening but to direct staff to return with a resolution for final consideration and amendments if desired by the Commission.

Commissioner Thomas stated that he would not like to see any further modifications to the existing ordinance than what has already been done to the 19 versions; that he would like a report relating to the PA, specifically, how can the City achieve the goals of minimizing the discretion of the PA, to discuss an appeals process that can be built into the process, would like a report as it relates to the applicability of that PA; and stated that he wants a better understanding of how the PA discussion has matured over these 19 versions. He added that he would like to see if there are any examples of this PA structure in other ordinances in California.

Assistant City Attorney Chaffin stated there are a couple options available, either to be done through the friendly amendment process or to direct staff to return with that information, that it wouldn't necessarily be part of the new resolution/ordinance, but a report of the requested information.

Commissioner Thomas opted for the friendly amendment.

Commissioner Faletogo accepted the friendly amendment.

Commissioner Schaefer asked that Commissioner Thomas' friendly amendment be clarified.

Assistant City Attorney Chaffin noted his understanding of Commissioner Thomas' friendly amendment is for there not to be any additional modifications to the

ordinance/resolution as provided today; that the Planning Commission is to direct staff to return with a report discussing the roles of the PA regarding how staff got to this point in this process; and to identify what the minimum steps are that can be taken to minimize the discretion of the PA and what steps could be taken for an appeals process from the decision of the PA. He concluded that from Version R-19, if staff added back in the position of the PA, how would that be done and what sort of items would be sought for an appeals process. He explained that providing this report with additional information would enable the Planning Commission to assess the report, and the Commission can either approve the resolution as it is today as a final resolution or amend the resolution at that time, making additional changes based on the contents of that report of other information provided.

Commissioner Thomas stated that is a correct understanding of his objective, reiterating he'd like to get a better understanding as a new Commissioner. He highlighted the concerns with the unlimited discretion of the PA and that he wants to know if there is a way to achieve that without eliminating the PA position in its entirety.

Commissioner Schaefer expressed her concern with any meetings that may take place between now and the next Commission meeting wherein this matter will be addressed, stating she would anticipate some changes as a result of those meetings; and stated that since Commissioner Thomas' motion was not to make any further changes to the resolution, she would be inclined to withdraw her second of this motion as amended.

Commissioner Thomas clarified that he is not suggesting the PA be added back into the document; that if there are other changes which are going to happen as a matter of course from any upcoming meetings with other interested parties, other constituents, he stated he is not opposed to that; and that he is not saying do not change this document at all. He added that rather than modify the document and add PA back in, he'd like to understand if there is another approach other than the approach that has been taken by this body by just taking out PA, turning it into the City Manager's responsibility and eliminating all the discretionary items within the document; and that he'd like to know if there is another way to achieve the same goals.

Commissioner Post offered a friendly amendment to revisit the 500-foot setback, asking that consideration be given to increasing that setback distance to 750 feet. She noted her support for the PA position to be reconsidered.

Commissioner Schaefer asked for confirmation that this resolution will continue to be a work in progress as a result of these amendments.

Commissioner Thomas indicated his amendment is for the resolution to be a work-in-progress document.

Commissioner Schaefer stated that she will maintain her second on the amended motion for a work-in-progress document to be returned to the next hearing on this matter.

Following brief discussion, Commissioner Faletogo noted his support of the friendly amendments by Commissioners Thomas and Post for a report on the PA position and giving consideration to increasing the 500-foot setback to 750 feet.

Assistant City Attorney Chaffin stated his understanding of the amended motion is as follows: continue the meeting to June 9th; to identify all the regulatory items in greater detail; provide a draft resolution and proposed ordinance at that meeting; that the draft resolution and proposed ordinance should revisit the PA position, but with greater ability to appeal from the decisions of the PA; and that the setback could be up to 750 feet from the 500 feet being proposed this evening.

Commissioner Faletogo added that staff continue their dialogue and meetings with the community and all interested parties.

Assistant City Attorney Chaffin stated that motion would hopefully result in a resolution that would be returned to the Planning Commission, including the current/existing ordinances for Commissioner Thomas; and that the Planning Commission at that time could approve it on June 9th if the Commission desired or the Commission could engage in further dialogue.

Staff confirmed for Vice-Chairman Madrigal that the suggestion/amendment for increasing the setback to 750 feet is to be revisited for discussion purposes, yes.

Motion carried, 7-0 (absent Chairman Diaz).

10. CONTINUED PUBLIC HEARING

B) Zone Text Amendment No. 20-15

Applicant's Request:

The applicant, city of Carson, is requesting the Planning Commission consider adoption of an Ordinance prohibiting hydraulic fracturing ("fracking"), acidizing and any other form of well stimulation, and the associated CEQA finding of a Class 8 Categorical Exemption under CEQA Guidelines §15308. Properties involved would be citywide.

Staff Recommendation:

Identify additional refinements or items, if any, to include in the recommendation; and DIRECT staff to prepare an updated resolution and ordinance consistent with that direction and return for final approval by the Planning Commission at the regular meeting scheduled for June 9, 2015.

Assistant City Attorney Chaffin noted that with the late hour and with many people having provided testimony this evening on the oil matter, he suggested this public hearing be opened and noted that Vice-Chair Madrigal has the option to direct staff to incorporate the discussion of the previous item into this matter. He added that there have been no substantial changes from the last meeting; that there are only two sections which deal with this aspect; stated that those have been included in the consolidated code update that was provided with Item No. 10A; that staff has not received any additional direction or changes; noted that those items did not substantially involve the PA; but to the extent the PA would be involved, anything that staff would come back with would also have those items included in this matter; and that it is staff's recommendation to continue this matter to June 9th.

Vice-Chairman Madrigal opened the public hearing.

Latrise Cotter, (no card submitted) resident, expressed her belief that underground drilling has affected her livelihood since Oxy has come in with its project, noting she can hear the operations in the evening.

Lori Lewis (no card submitted) resident, urged the Commission to take its responsibility seriously; and noted her opposition to oil drilling in Carson.

Vice-Chairman Madrigal closed the public hearing.

Planning Commission Decision:

Vice-Chairman Madrigal moved, seconded by Commissioner Faleto go, to continue this matter to June 9th. Motion carried, 7-0 (absent Chairman Diaz).

Vice-Chairman Madrigal and Commissioner Thomas noted they had made site visits for Item Nos. 11 A&B. Vice-Chairman Madrigal stated that he spoke with the applicant, Mr. Gonzalez.

11. PUBLIC HEARING

A) Conditional Use Permit No. 974-15

Applicant's Request:

The applicant, Robert Gonzalez, is requesting to approve a conditional use permit for an existing second dwelling unit located within the RS (Residential, Single-Family) zoning district. The subject property is located at 2558-2560 East Madison Street.

Staff Report and Recommendation:

Planning Technician Alexander provided staff report and the recommendation to APPROVE Conditional Use Permit No. 974-15 subject to the conditions of approval attached as Exhibit "B" to the Resolution; and WAIVE further reading and ADOPT Resolution No. 15-2541, entitled, "A Resolution of the Planning Commission of the city of Carson approving Conditional Use Permit No. 974-15 for an existing second dwelling unit for a property located at 2558-2560 East Madison Street."

Vice-Chairman Madrigal opened the public hearing.

Robert Gonzalez, applicant, noted his concurrence with the conditions of approval.

Vice-Chairman Madrigal closed the public hearing.

Planning Commission Decision:

Commissioner Faleto go moved, seconded by Commissioner Schaefer, to approve the applicant's request, thus adopting Resolution No. 15-2541. Motion carried, 7-0 (absent Chairman Diaz).

11. PUBLIC HEARING

B) Conditional Use Permit No. 967-15

Applicant's Request:

The applicant, Michael Chandler, is requesting to approve a conditional use permit for an existing second dwelling unit located within the RS (Residential, Single-Family) zoning district. The subject property is located at 2722-2724 East Madison Street.

Staff Report and Recommendation:

Planning Technician Alexander presented staff report and the recommendation to APPROVE Conditional Use Permit No. 967-15 subject to the conditions of approval attached as Exhibit "B" to the Resolution; and WAIVE further reading and ADOPT Resolution No. 15-2542, entitled, "A Resolution of the Planning Commission of the city of Carson approving Conditional Use Permit No. 967-15 for an existing second dwelling unit for a property located at 2722-2724 East Madison Street."

Vice-Chairman Madrigal opened the public hearing.

Michael Chandler, applicant, noted his concurrence with the conditions of approval.

Vice-Chairman Madrigal closed the public hearing.

Planning Commission Decision:

Commissioner Post moved, seconded by Commissioner Thomas, to approve the applicant's request, thus adopting Resolution No. 15-2542. Motion carried, 7-0 (absent Chairman Diaz).

11. PUBLIC HEARING

**C) General Plan Amendment No. 96-15; Zone Change No. 173-15;
Specific Plan No. 13-15; Design Overlay Review No. 1569-15;
Parcel Merger No. 273-15**

Applicant's Request:

The applicant, Chris Earl, Affirmed Housing, is requesting approval of the Sepulveda and Panama Specific Plan to develop a mixed-use project consisting of 65 senior residential units and 3,000 square feet of commercial uses. The subject property is located at 402 E. Sepulveda Boulevard.

Staff Report and Recommendation:

Associate Planner Rojas presented staff report and the recommendation to APPROVE Design Overlay Review No. 1569-15 and Parcel Merger No. 273-15 subject to the conditions of approval attached as Exhibit "B" to the Resolution and contingent upon City Council approval of General Plan Amendment No. 96-15, Zone Change No. 173-15, Specific Plan 13-15; RECOMMEND APPROVAL of General Plan Amendment No. 96-15, Zone Change No. 173-15, Specific Plan 13-15 and adoption of the Mitigated Negative Declaration for the Sepulveda and Panama Project to the City Council; WAIVE

further reading and ADOPT Resolution No. 15-2543, entitled, "A Resolution of the Planning Commission of the city of Carson approving Design Overlay Review No. 1569-15 and Parcel Merger No. 273-15 and recommending that the City Council adopt General Plan Amendment No. 96-15, Zone Change No. 173-15, Specific Plan No. 13-15 and Mitigated Negative Declaration for the construction of a 65-unit residential mixed-use development for property located at 402 E. Sepulveda Boulevard."

Commissioner Schaefer asked if only one elevator is being provided, questioning if the City has any requirements related to the number and location of elevators.

Associate Planner Rojas advised that two elevators are being provided in the same location; and stated that the City's current code does not have specific guidelines on the number of elevators based upon building height.

Commissioner Schaefer asked if the City ever requires the use of solar panels.

Associate Planner Rojas stated that mandatory solar panel requirements are not currently within the City's zoning code.

Planning Manager Naaseh explained that the building codes are getting more stringent; stated that he believes the updates to the building codes will address these issues; mentioned that this developer has constructed another project on Figueroa Street which has solar panels; and he encouraged the Commission to request that this developer install solar panels on this project where feasible.

Commissioner Faleto go asked what was the reaction of the approximate 20 people who attended the community meeting regarding this project; asked how many notices were sent; and asked for input on the financial rent thresholds for affordability of this project.

Associate Planner Rojas stated that most of the attendees were pleased with the proposed project, one stating they were happy that something was being done with this blighted, vacant lot; advised that all residents/owners within 500 feet of this project site were notified; and stated that 44 of the units will be available to very low-income seniors and 21 of the units will be available to low-income seniors.

Vice-Chairman Madrigal asked if the income guidelines were set by HUD.

Commissioner Thomas echoed the concerns with two elevators being located in one location, noting the plans for a very long corridor; and he expressed his concern with adequate emergency evacuation provisions for these seniors. He noted his concern with only four wheel-chair accessible units being provided out of 65 units; and with only four wheelchair parking spaces out of 52 in the residential portion in comparison with 2 wheelchair accessible spaces being provided out of 15 parking spaces in the commercial area.

Associate Planner Rojas advised that this project has been circulated for input by the City's traffic engineer, water quality, and building and safety staff to ensure it meets code requirements, noting that each department had no issue with the location of the two elevators in the same bank. He added that the ADA parking spaces meets code.

Commissioner Thomas asked for input on the alley access way at the southeast side of the building.

Associate Planner Rojas explained that this exit stairway was included to address fire code requirements and is only intended to be used to exit the building, not enter the building.

Commissioner Thomas asked what keeps the door from being propped open; and he asked for further input on the reasoning for increasing the density on this site, asking if the Specific Plan is approved, can they add more units.

Planning Manager Naaseh explained that Planning has several other projects they are looking at with higher densities and that the 65 units per acre is a General Plan designation they have come up with that will address the needs of other projects as well. Planning Manager Naaseh added that the applicant could add more units, but they would have to come back before the Commission for approval. He added that this Specific Plan and General Plan Amendment would have to be approved by City Council; and that if City Council makes any significant changes to those approvals, then that would impact the design of this project, and the applicant would have to come back before this Commission to obtain approval for any revision. He mentioned that the plans will go through the Building and Safety Department before a building permit is issued to ensure the project meets all codes.

Commissioner Thomas asked for further input on the parking plan, questioning the recommendation for 5 motorcycle parking spaces for this senior facility.

Vice-Chairman Madrigal asked if the power lines in the alleyway will be placed under ground; and he asked if the Commission can require the applicant to improve the alleyway, noting it needs a lot of work.

Associate Planner Rojas advised that a condition is included to underground the utilities near the alley; and that a condition has been added to require the applicant improve the quality of the alleyway surface after construction activities have been completed, noting the heavy equipment could damage a new surface.

Commissioner Thomas questioned whether the community room, laundry room and computer room accommodations are sufficient for 65 units.

Vice-Chairman Madrigal asked what, if any, commercial uses are being proposed.

Associate Planner Rojas advised that no retail tenant has been identified at this time.

Vice-Chairman Madrigal opened the public hearing.

Chris Earl, Affirmed Housing applicant, stated that he has been involved in designing, funding, and developing six housing communities in the southland; and noted this is an affordable housing community that will take advantage of low-income housing tax credits; that they are specifically required to meet gold or green Leadership in Energy and Environmental Design (LEED) standards; that they will put as many solar panels on this project rooftop where feasible, noting they have approximately \$300,000 allocated

for those solar panels; and happily announced that their Carson Harbor Green community on Figueroa Street recently received a Platinum LEED award. He advised that 220 mailers were sent out to the residents/owners within a 500-foot radius. He confirmed that there are two elevators in one bank/tower, noting this meets code and is typical with this size project.

Mr. Earl noted that this senior community will be for people 62 years old and up; that the rents start at \$443 for a one-bedroom unit and go up to a maximum of \$845 a month for a two-bedroom unit; stated that there are 4 units which have ADA grab bars in the restrooms; and that all the units are handicapped accessible, which is a requirement. He explained that there will be some protective fencing to separate the alleyway to this site which will be controlled by FOB key access; and advised that Solari Management Company will be managing this property, noting this is a very experienced property management organization specializing in multifamily, affordable housing. He stated there will be no motorcycle spaces but they are providing bicycle spaces. Mr. Earl explained that the ratio of one washer/dryer for every 10 units has served their communities very well; and noted that they might be able to squeeze in one or two more computer areas.

Vice-Chairman Madrigal asked if they will provide grab bars for any other units if requested, free of charge to the residents.

Mr. Earl stated yes. Mr. Earl stated a parking management plan that has successfully been used at other senior housing communities will be applied at this site; that they are permitted to ask how many vehicles a potential resident will be bringing to this site; and that if they do not have the parking spaces to allocate to their potential clients, then they will let them know they cannot service their needs and they may have to look elsewhere for housing.

Commissioner Post noted her concurrence with the concerns for the safety and ease of access to the four stories, noting her concern for access to the elevators during an emergency; stated that she is pleased this long-time vacant and blighted property is being developed, believing it will be an asset to this area; and she asked that all steps be taken to protect the seniors onsite.

Diane Thomas, resident, echoed the concerns for ease of access for the seniors, noting that seniors will have too long of a walk if they live on the opposite side of the building from the elevator bank; and she requested that the units be comfortably sized, pointing out that the units across the street from City Hall are beautifully sized. She asked that the developer not just meet the minimum fire code requirements.

Charlotte Brimmer, resident, stated that this is a beautiful project, but urged the City to not forget providing housing for workforce clients when addressing the Housing Element; noted her support for applying solar panel requirements; asked if there will be a full-time property manager onsite; and she suggested a workshop on the Housing Element for the new Commissioners.

Mr. Earl indicated that a property manager will live on site.

There being no further input, Vice-Chairman Madrigal closed the public hearing.

Assistant City Attorney Chaffin explained that if the Commission is inclined to approve the project this evening, it will be contingent on City Council's approval of the Mitigated Negative Declaration, General Plan Amendment, rezoning, and Specific Plan; that if the Design Overlay Review and Parcel Merger being potentially/contingently approved by the Planning Commission this evening becomes inconsistent with the General Plan Amendment or rezoning and/or the Specific Plan conditions that is ultimately adopted by the City Council, there are already conditions incorporated to require the applicant to file a modification to the items that are before the Commission this evening; additionally, he suggested that if it is inconsistent, that any motion should also give staff the option to return directly to the Planning Commission for any further modifications that can be done at that point in order to provide maximum flexibility to staff.

Commissioner Andrews noted his desire for the plan to be modified to address the concerns with the location of the two elevators.

Assistant City Attorney Chaffin advised that Vice-Chairman Madrigal may call upon the applicant's representative to answer more questions.

Ricky De La Rosa, project architect, advised that the building follows all codes for the number of units being provided; and explained that he would have to study how any modification to the elevators would impact the design of the stacked units and the parking layout and how any modification would affect this application. In response to the concerns with emergencies, such as fire, he pointed out that elevators should never be used during those kinds of emergencies, only the stairways; and advised that this building will be fully sprinklered and designed to meet all safety requirements.

Commissioner Andrews noted his concern with seniors having to walk too far in this development, asking that the project meet more than just the minimum requirements.

Mr. De La Rosa reiterated that he will take a look at the design and the elevator location; advised that he also designed the senior/market rate housing across the street from City Hall that Ms. Thomas had referred to this evening, noting it has a similar layout and one bank of elevators as well; and stated he is very familiar with the demands of senior housing. He added that the units at this proposed project are larger than the ones across the street from City Hall; and he mentioned that an affordable housing project and design guidelines for tax credit allocations require a minimum of 550 square feet for a one-bedroom unit and 650 square feet minimum for a two-bedroom unit.

Commissioner Faletogo asked that the applicant take into consideration the concerns expressed by the Planning Commission this evening; and noted that this is a beautiful project that will make a significant and beautiful addition to that area.

Planning Commission Decision:

Commissioner Faletogo moved, seconded by Commissioner Schaefer, to approve staff recommendation, incorporating Assistant City Attorney Chaffin's comments with regard to City Council approval: "If the Planning Commission is inclined to approve the project this evening, it will be contingent on the City Council approval of the Mitigated Negative Declaration, General Plan Amendment, rezoning, and Specific Plan; noted that if the

Design Overlay Review and Parcel Merger being potentially/contingently approved by the Planning Commission this evening becomes inconsistent with the General Plan Amendment or rezoning and/or the Specific Plan conditions that is ultimately adopted by the City Council, there are already conditions incorporated to require the applicant to file a modification to the items that are before the Planning Commission this evening; additionally, if it is inconsistent, that any motion should also give staff the option to return directly to the Planning Commission for any further modifications that can be done at that point in order to provide maximum flexibility to staff.”

Commissioner Thomas offered a friendly amendment to the motion to reduce the distance of the elevator at least by half, believing this gives the architect enough flexibility for a redesign.

Planning Manager Naaseh suggested language to require the applicant to provide a study of alternative locations for the elevators per the Planning Commission’s direction, noting the alternative study may potentially require some changes to the site plan; and requested that staff be authorized to approve the amended site plan if it’s in conformance to the approved site plan; he explained that the applicant is under very tight timelines for funding this project through the state, believing this should alleviate any concern with meeting state funding deadlines; and he encouraged the Planning Commission to also include the installation of solar panels where possible.

Commissioner Faletogo accepted the friendly amendment and the comments by Planning Manager Naaseh.

Commissioner Thomas asked what will happen if the applicant says they cannot move the location of the elevators.

Planning Manager Naaseh explained that if it requires a major redesign of the project and it has to come back to the Planning Commission, it may have an impact on this project going forward.

Commissioner Thomas stated he’d like to give staff all the discretion to move this proposal forward without having to come back to the Planning Commission, but that he would like the elevator distances to meet the concerns voiced this evening, stating he does not want the seniors to have to walk too far to use the elevators.

Planning Manager Naaseh stated that unless the applicant has an issue with the condition that’s been posed, staff will work with the applicant to address that concern.

Commissioner Schaefer accepted the amendments to the original motion.

Motion passes, 7-0 (absent Chairman Diaz).

Vice-Chairman Madrigal recessed the meeting at 8:20 P.M. and reconvened the meeting at 8:30 P.M.

12. WRITTEN COMMUNICATIONS

Provided this evening (of record) related to the Oil Code Update:

- Alston & Bird, letter dated May 12, 2015
- Latham & Watkins, letter dated May 12, 2015
- Manatt, Phelps, Phillips, letter dated May 12, 2015

13. MANAGER'S REPORT None

14. COMMISSIONERS' REPORTS

Commissioner Schaefer welcomed the new Commissioners, noting she is looking forward to working with them; she thanked staff for all the reports this evening; and thanked Mr. Perez for answering her questions. She asked that a future agenda item include discussion about changing the City's zoning code for installation of solar panels on new projects.

Commissioner Thomas thanked staff and the consultants for their fantastic/helpful reports this evening.

Commissioner Faletogo congratulated Chairman-Elect Louie Diaz and Vice-Chairman Madrigal, believing each will do a good job; and stated it has been an honor serving as the Chairman of the Planning Commission for the past several years and that it is an honor to continue working on this Commission.

Vice-Chairman Madrigal welcomed all the Commissioners, noting he is looking forward to working with them and staff again, noting he served on this Commission from 1985 to 1998; and expressed his belief that Chairman-Elect Diaz will do a good job.

15. ADJOURNMENT

At 10:55 P.M., the meeting was formally adjourned to Tuesday, May 26, 2015, 6:30 P.M., Helen Kawagoe City Council Chambers.

Chairman

Attest By:

Secretary