

## MINUTES

### CITY OF CARSON REGULAR MEETING OF THE PLANNING COMMISSION

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

*July 28, 2015 – 6:30 P.M.*

1. **CALL TO ORDER** Chairman Diaz called the meeting to order at 6:36 P.M.
2. **PLEDGE OF ALLEGIANCE** Commissioner Faletogo led the Salute to the Flag.
3. **ROLL CALL**

Planning Commissioners Present: Andrews, Cinco, Diaz, Faletogo, Madrigal, Mitoma, Post, Schaefer, \*Thomas

(\*Commissioner Thomas arrived at 10:20 P.M.)

Planning Commissioners Absent: Guidry (excused)

Planning Staff Present: Planning Manager Naaseh, Assistant City Attorney Chaffin, Senior Planner Rojas, Associate Planner Alexander, Recording Secretary Bothe
4. **AGENDA POSTING CERTIFICATION** Recording Secretary Bothe indicated that all posting requirements had been met.
5. **AGENDA APPROVAL** Chairman Diaz moved, seconded by Commissioner Faletogo, to consider Agenda Item Nos. 11 A and B as the first order of business and moved to approve the Agenda as amended. Motion carried, 8-0 (Thomas had not yet arrived; absent Guidry).
6. **INSTRUCTIONS TO WITNESSES** Chairman Diaz 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) July 14, 2015 Minutes**

**Motion:** Commissioner Faletogo moved, seconded by Commissioner Mitoma, to approve the July 14, 2015, Minutes as presented. Motion carried, 7-0 (Madrigal abstained; Thomas had not yet arrived; absent Guidry).

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(Commissioner Thomas arrived at 10:20 P.M.)

**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 for properties citywide.

Staff Recommendation:

Direct staff to return with a resolution and ordinance for final consideration and approval at a continued meeting.

Louis Perez, MRS consultant, stated that since the last public hearing on this matter, they've had several meetings with industry representatives and community members, and noted he will highlight those changes/additions to the proposed oil code subsequent to those meetings; advised that some of the changes/additions made relate to an option for a Petroleum Administrator (PA), setbacks, and their review of the recently published Environmental Protection Agency (EPA) study and California Council on Science and Technology (CCST) study, a study that was required by SB-4 (fracking legislation).

Mr. Perez stated that in regard to Option 1 (City Manager), the City Manager would have the authority to designate staff or hire experts to address issues related to specific oil and gas operations; that the City Manager's discretion would mostly be focused on processing applications, ministerial approvals, enforcement and compliance oversight; and that certain discretionary decisions would be appealable to the Planning Commission.

Mr. Perez stated that in regard to Option 2 (Petroleum Administrator, typical discretion), the PA would be very similar to the role the City Manager plays in this regard, designating all the things the City Manager would do currently within the oil code, essentially the same as Option 1.

Mr. Perez stated that in regard to Option 3 (Petroleum Administrator, broader discretion), this would be a designation similar to Option 1, but going back to an earlier version of the code in February that had a lot of latitude for the PA's oversight. He explained that since the beginning of the year, a lot of these changes to the latitude of the PA position have been eliminated due to the Commission's concern that the PA had too much authority.

Mr. Perez noted that the current proposed setback is 500 feet, noting the first draft of the proposed code when this process was first started was 1,500 feet; explained that the idea at that time in looking at the setback was to ensure the Oxy project being proposed at that time (now withdrawn) would be able to comply with that setback and that project did; noted the setbacks at that time did not apply to existing operations when they first started this process; and advised that some of those things have since changed. He added that the existing setback is 300 feet for industrial areas only; and highlighted the comparison chart of the various setbacks in other jurisdictions, such as Signal Hill having a 100-foot setback from residential and Bakersfield having setbacks that range from 500 to 1,000 feet. He also highlighted some of the different setbacks based on impacts relating to safety and risk; and also noise, odors, and air quality, noting some of those last impacts are without mitigation.

Mr. Perez explained that they started with the intent of regulating future oil development, but stated it has morphed into looking at some of the existing facilities and through some of the things the oil companies have acquiesced to in being a good neighbor; and noted that some of those things have been added into the code with the last three or four versions.

Mr. Perez highlighted some of the companies that will be affected by the various setbacks, noting if the setback is set at 750 feet or 1,000 feet, it will not capture any additional, existing operators; and that if the intent is to capture more operators, the setback would need to be increased up to 1,500 feet. He explained that what it would mean to existing facilities located outside of the setback is they could continue to operate indefinitely without a conditional use permit (CUP) and would not be considered legal, nonconforming; that they must abide by the series of Good Neighbor provisions; and highlighted the definition for new development for more than two new wells that would trigger the requirements for a CUP. He stated that triggers the question of what happens to existing facilities which are within the setback that the Commission will choose to adopt, so for those, no new wells will be allowed beyond those already vested for the property; and that if they have a vested right, an existing permit, and have been operating those wells or they have a permit from the City prior to the adoption of the code and can demonstrate that vested right, they can operate or drill those wells. He noted that all re-drills and workovers within that setback will be allowed, and equipment replacement and maintenance equipment will be allowed as legal, nonconforming and would have to abide by the 20-year amortization schedule.

Mr. Perez advised that a new CUP will typically be required with development of new buildings, structures, or wells on a new site or a CUP has expired or been revoked and with the expansion by three or more new wells at an existing site and expansion of new tanks exceeding by 25 percent or more the capacity of existing tanks. He added this does not include like for like or in-kind replacements, workovers, maintenance, or re-drills of existing, active or idle wells; and noted that re-drills of abandoned wells are considered new wells.

Mr. Perez stated that the requirement of the Good Neighbor provisions would be required of the existing operations.

Mr. Perez stated that the EPA fracking study examined the relationship between hydraulic fracturing and drinking water at 25- to 30,000 hydraulically fractured wells in 20 different states from 2011 to 2014 and found there are a number of mechanisms for activities that occurred through fracking to impact drinking water resources; and explained they did not find evidence that these mechanisms led to widespread or

systemic impacts as long as there were appropriate safeguards and regulations. He added that the majority of the hydraulic fracturing they were looking at in other states was occurring within the regulations for those other states, which are far less stringent from those regulations in California; noted a small number of specific instances where mechanisms led to impacts on ground water resources as a result of fracking in other states; and that they determined there wasn't enough data available in some cases, particularly with regard to the types of chemicals being used.

Mr. Perez advised that the CCST put out two volumes -- one in January 2015 and one in July 2015; stated the study was initiated by SB-4 legislation; and that the CCST recruited their best and brightest specialists to look at the issues of fracking and determine what other impacts are occurring out there, what are the gaps in information and what kinds of things can be done to ensure that if fracking is occurring in California, it can occur safely. He stated that one of the things they found is that there's no real reported cases of induced seismicity in California as a result of fracking; that there are no recorded negative impacts from hydraulic fracturing from the chemical use in California; added that no agency has done a systematic study to investigate all the possible impacts; and that there are some chemicals which characteristics remain unknown and some chemicals which may be used for fracking that are not well known.

Mr. Perez stated that they also found hydraulic fracturing in California is not widely used; that it's not a practice that is used now, in particular in the Los Angeles basin, because the geology within which the oil is contained is a sandstone, porous material that doesn't respond well to hydraulic fracturing; and that they do not see hydraulic fracturing as a component of future oil development within the Los Angeles County basin, noting a specific study looked at the Los Angeles County area in a lot more detail. He stated they also found that the majority of the impacts associated with hydraulic fracturing are caused by the indirect impacts of oil and gas production enabled by the hydraulic fracturing; and explained what that means is the hydraulic fracturing occurs during a very short period of time, and the impacts are not considered substantial, but the potential impacts that can occur as a result of the long-term oil and gas production which happens as a result of that hydraulic fracturing operation.

Mr. Perez stated they also found that with good management and mitigation measures, the vast majority of potential direct impacts of well stimulation could be mitigated; and that they found oil and gas production from hydraulically fractured reservoirs in California emit less greenhouse gasses per barrel of oil than other forms of oil production in California. He noted that a great majority of the oil produced in California, particularly in the San Joaquin Valley, is done through steaming practices, which are labor intensive and produce a lot of greenhouse gas emissions, so when you compare that to potential hydraulic fracturing, which is typically a one-time situation, the impacts of steaming are higher with regard to greenhouse gasses than hydraulic fracturing. He added they also make a point to suggest the hydraulic fracturing that is occurring and the impacts of greenhouse gasses is also less than what it would be required of to bring the oil from elsewhere, noting a lot of our oil is imported from overseas; and that they're recognizing the impacts of greenhouse gasses from overseas imports are higher than if we produced it locally.

Mr. Perez stated they also found that hydraulic fracturing in California is substantially different from the experience they have had in other states; and noted there are a multitude of reasons, such as different geology, different development, different amount of water being used, the types of legislation/regulations which exist in California in

comparison to other states is substantially different - reiterating the regulatory framework is far more stringent in California.

Mr. Perez highlighted the EPA and CCST recommendations to ban chemicals that have unknown characteristics, noting they don't know enough about the chemicals used; that they also want to have water testing for pits and agricultural use; that there should be some special provisions for shallow fracking; that the requirements for fracking of abandoned and other wells is looked at very closely because there is a potential for impacts when fracking near those wells; and adding assurances that one is providing proper air emission control technologies during the time that fracking operations are taking place, requirements for cement testing, and requirements for proper well design when fracking.

Mr. Perez highlighted the industry's issues with the ban on fracking, noting their insistence the City is preempted; that they are concerned about the creation of legal, nonconforming facilities and the 20-year limit that will be put in place; that they also believe they will receive inconsistent treatment from other industrial facilities or oil and gas facilities within the City; that they have concerns about having to apply air emission controls and greenhouse gas emission requirements for existing facilities; that they have concerns about the elimination of above-ground pumpjacks; and that they believe the appeals process should go all the way up to the City Council level.

Mr. Perez highlighted the community issues/concerns to increase setbacks, PA to be added back in as it was in February, speed up the process of the oil code amendment, fire department inspections and reports to be shared with the City, ensuring there is air quality monitoring and mitigation for odor impacts, noise and lighting impacts and mitigation, and below-ground drilling impacts.

Mr. Perez highlighted the ordinance changes since the last version, such as the change of a 25-percent tanks increase being considered for new development, added appeals process to the Planning Commission only, truck requirements for areas outside designated truck routes, limited options for requiring abandonment, removed limits on re-drills for existing facilities within setbacks, added parking criteria, modified requirements for City inspection after earthquakes, increased gas levels for odor requirements, removed operational prohibitions on pump pressure and acid use, and added a limit on acid storage volume.

Mr. Perez highlighted possible ordinance add-ins, such as PA language added to definitions and change "City Manager" to "PA," PA to have broader discretion - changed up to 15 sections of the code - setback modifications, removal of legal, nonconforming status for existing operators within the setbacks, and pumpjacks allowed without amortization.

Commissioner Mitoma asked what percentage of these studies was rural versus residential.

Mr. Perez stated they did not see a lot of differentiation in the study for either residential or rural areas; that what they did find in the CCST study was that very little fracking is going on in California, with the majority happening in the San Joaquin Valley; and stated that one can deduce from that that a lot of it is happening in areas which are considered to be rural.

Commissioner Mitoma stated he is not against fracking, but he is against fracking in residential areas; and stated that fracking can be beneficial because it increases energy production within the U.S.

Commissioner Andrews noted his concern with the description of adverse effects fracking will have on this community; with regard to water contamination, he pointed out the study's description imparted it was widespread but not systemic, stating that doesn't say what is going on; that when it came to fracking in this community, the study indicated the impact was not considered substantial, noting it still does not provide enough information, questioning what is considered not substantial and who made that determination; and stated he would like to know what those "not systemic" and "not considered substantial adverse effects" are. He added that if the geology around this area is not frackable, then why is there even an argument being made.

Mr. Perez noted for Commissioner Andrews that what the EPA study meant by systemic is that as they looked at these 30,000 wells, they did not find there was an issue with each and every one or with a substantial number of them that would indicate there's a systemwide problem with the fracking of wells that causes water contamination. He noted they did find there were some isolated incidents where they did not look appropriately at the casing of the well, they did look appropriately at the potential ground water that could be contaminated when they were doing the project, and it caused some contamination; and that it was not systemic, meaning it wasn't widely occurring. He stated the EPA study looked at other states and that the CCST study was more localized; and they did not find any water impacts from fracking in California. He noted they also indicated it hasn't been completely studied, so one cannot definitively say that there's no impact, and they're careful to say that; and they indicated that of the ones they have looked at and the ones that have been done here, those have not produced any water contamination impacts.

Mr. Perez stated that with regard to the second part of Commissioner Andrews' question, what they understand, the CCST study is making the statement that it's very unlikely in the Los Angeles County basin that there will be widespread hydraulic fracturing because of the type of geology, the reservoirs that do not lend themselves to that kind of oil stimulation technique; that as far as what people are fighting for is, he believes, you can have many different interpretations of fracking; he expressed his belief the oil companies want to preserve their rights; he believes there is an existing NIMBYISM (not in my backyard) approach to not wanting to have things that are potentially or have been potentially associated with some dangers in other states; and that people have heard of those dangers, and they're concerned about potential ground water or air contamination that could occur.

Commissioner Faletogo asked if there is any remedy to this other than a flat-out ban on fracking, noting that many cities are being sued over these bans.

Mr. Perez stated there are other important aspects of the CCST report that also help in the Commission's consideration; they recognize that some impacts can occur; they also recognize that those impacts could be mitigated; and they recognize those impacts are not substantial when you compare them to the overall impacts of oil and gas development. He noted that when he first read the report, it seemed to suggest there are impacts associated with fracking, but in California, at least, it's not as bad as it has been in other states. He noted that the concerns people have are well-founded in other states, but in California, they have not seen these impacts; and that it's perhaps because there have not been as many fracking operations in California as in other

states and perhaps there haven't been as many in California because it's not as profitable. He added there is a combination of things going on here, but they do seem to suggest there are fewer impacts, and it may have to do with the regulatory framework in California.

Commissioner Schaefer asked if there has ever been fracking in Carson.

Mr. Perez explained that there is a fracking nomenclature issue; that there are certain things people call hydraulic fracturing, such as the high volume, high pressure hydraulic fracturing which is widely used in the shale oils in North Dakota and widely used in Texas and other locations; and it is his understanding that is not happening here. He added there were two wells that were fracked in the Inglewood oil field in 2010/2011, and those two wells were not effective in producing oil. He stated the other thing to be aware of in comparing high volume, high pressure hydraulic fracturing, the majority of the oil wells that have been fracked in California use a substantial amount less volume of water than in other states; for example, if one were to superimpose the New York fracking ban in California, approximately 95 percent of the wells that have been fracked in California would have been able to be fracked under the New York ban because that is a volumetric-based ban on how much water you use. He pointed out it is important for the public to understand that some of the things he is talking about this evening are direct quotes from the CCST study and not his impressions of those things, but rather the input from the scientists throughout the state who have performed substantial investigation and have given their opinions.

Commissioner Mitoma questioned if fracking is not feasible in Carson, why is the oil industry threatening to spend millions of dollars to sue; he referred to the recent oil spills in the ocean around Santa Barbara, noting that Carson wants to avoid those catastrophes; and stated that Carson should not put itself in a position to be the first city to have a catastrophic problem as a result of fracking.

Chairman Diaz opened the public hearing.

Bill Smalley, resident, noted his opposition to allowing dangerous chemicals close to residents, stating the potential is high for accidents and polluting our natural resources.

Glenn White, resident, stated that the loophole which allows an exemption in Section 9536 should be deleted; and that the setback should be increased to 1,500 feet from sensitive receptors.

Dr. Rita Boggs, resident, stated that the earth's atmosphere is dangerously teetering at the point of no return; and noted her opposition to neighborhoods being close to these operations, stating that Carson does not need another Carousel problem. She stated that these operations cause serious health impacts; and expressed her belief a 1,500-foot setback is not enough.

Benjamin Hanelin, Latham & Watkins representing Californians for Energy Independence, noted his confidence in this Commission's ability to understand the complicated issues in this new oil and gas code, but what he does not understand is why this code needs to move forward at this time; and expressed his belief there is no urgency to updating the code or to ban fracking and that the ban on fracking makes no sense and merely invites litigation and threatens the City's already unstable finances, asking why take on that liability for what is merely a symbolic act. He pointed out that the recent U.S. EPA and the state have confirmed there is no evidence of widespread impacts from hydraulic fracturing; and added that staff reported the state's finding,

including that it is unlikely to be used here. He pointed out that many municipalities have rejected bans on fracking; that proposals in Los Angeles, Alameda County and Culver City, for instance, are not moving forward; and he urged the City to not succumb to outside forces and be used by these special interest groups, stating those groups only want to use Carson to further their own interests. He stated this is really not about fracking, but is about shutting down an industry that we all rely on and need and that provides good paying jobs; and he stated that this industry employs 100,000 jobs in L.A. County alone.

Mr. Hanelin expressed his belief the current code is working fine, pointing out this industry has operated in Carson for decades without incident under the current code; and stated that this new code will kill the industry in Carson and put an end to much needed revenues, jobs, and benefits this community has enjoyed for years. He asked that this matter be continued to allow time for new Interim City Manager Ken Farfing to share his expertise in this area and provide a better ordinance that is fair for all concerned parties.

Assistant City Attorney Chaffin stated for the record that Mr. Perez was directed by the Planning Commission to give a report this evening on these studies; and that these are not necessarily his personal opinions but rather his response to the direction from the Planning Commission to provide an update as to the reports released by the state and the EPA.

Faye Walton, resident, stated that the loophole in Section 9536 that allows for an exemption should be deleted.

Brenda Ramirez, resident, stated that this industry uses too much water; and noted her concern with the air and water quality and its negative impacts on the community.

Dr. Tom Williams, L.A. resident, representing Citizens Coalition for a Safe Community, asked why the setback is being changed from 1,500 feet to 500 feet when the main issue is usually odor; and stated that the South Coast Air Quality Management District (SCAQMD) uses a 1,500-foot setback in its air quality monitoring plan, noting that Carson's permitting system is not well-coordinated with the state's or AQMD's permitting system. He expressed his belief the City is setting itself up for a lawsuit when attempting to regulate downhole activities; and stated that one thing Carson does include in this ordinance is natural gas liquids and a gas plant, pointing out these are dangerous facilities and vastly different from a standard oil well.

Carol Kravetz, West Hollywood, expressed her belief that hydraulic fracturing is being done all over California, noting her concerns with the impact to the environment; and urged the City to not allow fracking.

Felicia Bander, L.A., noted her concerns with creating an unhealthy environment; stated there are many dangerous well stimulation techniques, not just fracking; that the City should not allow any high intensity oil operations; that the 1,500-foot setback should be maintained; and stated that by the year 2050, all oil and gas wells in Carson should have that setback. She encouraged the City to close the loophole which allows for an exemption.

Jack Eidt, L.A., So. Cal 350 Climate Action, stated that society needs a just transition off its addiction to fossil fuels; expressed his belief Carson needs to move quickly on this issue, noting this community has been suffering for years as a result of this industry; and noted his agreement that the loophole needs to be closed which allows for an

exemption. He stated that the fracktracker locates the places fracking is occurring in California and where other high intensity petroleum extraction techniques are taking place, as well as hydrochloric acid use, which is very toxic; pointed out that the concentrations of these chemicals is not known; and stated that the 1500-foot setback should not be decreased. He urged this City to be part of the solution to move away from this toxic addiction and move into cleaner energy usage.

Linda Bassett, resident, commented on the economic injustice issue in this community, stating that she has lived elsewhere where the air is clearly more healthful; and noted her concern with the health impacts from this industry.

Doug Kaufman, ANSWER Coalition, stated that this industry has negatively impacted the environment and health all around the world; and stated this industry typically sets up their facilities around impoverished communities. He stated the loophole should be deleted which allows for an exemption.

Alexandra Nagy, Food and Water Watch, stated that Carson already has a real public health crisis on its hands with the Carousel tract because of refinery operations; she expressed her opinion that Mr. Perez' presentation is biased, stating the CCST study covered many other topics other than fracking, such as acidizing; stated that this City really needs to look closely at CCST's recommendation; and that it needs setbacks that are based on scientific evidence. She noted the CCST report also found that significant health risks from oil and gas wells can travel up to a half-mile away, noting that a 1,500-foot setback should be the very minimum. She stated that the CCST report found that DOGGR and the statewide agencies do not have the power or ability to protect public health; it has been proven that DOGGR does not know what they are doing; and that they are allowing this industry to contaminate our farms and water in the Central Valley. She urged this community to not be intimidated by the threats of lawsuits from this industry, to take a stand regardless of being sued; asked that the loophole be removed which allows for an exemption; and to expand the ban to include enhanced oil recovery techniques, such as steam injection and steam flooding.

Elizabeth Lerer, resident, asked that the loophole be removed which allows for an exemption; expressed her belief this industry harms communities; stated that the ban needs to include high intensity petroleum operations, including gravel packing and steam injection; and noted her support of the 1,500-foot setback and a ban on fracking in Carson.

Lauren Steiner, Beverly Hills, stated that Beverly Hills is the first city in California to ban fracking; and stated that SB-4 did not actually regulate fracking, that it merely called for a study on ground water monitoring, disclosure of chemicals and notification. She stated that in the ensuing two years of the passage of this bill, it has been revealed that DOGGR has allowed the oil industry to inject toxic fracking waste water 2,500 times into potential aquifers that provide our drinking water; and stated that Chevron is selling supposedly treated waste water to irrigate food crops. She stated that fracking is taking place in the Inglewood oil field in the heart of a residential neighborhood. She added that after the study was released, they didn't find any specific incidences of ground water contamination or earthquakes because nobody was looking for it, pointing out you can't find what you don't look for.

Ms. Steiner stated that when she asked how many times the ground water was tested as a result of SB-4, testing which must be requested by the homeowner, the answer was once, one time in two years; that they also found fracking is being done at much

shallower depths in California, therefore closer to our drinking water sources; stated they found that as far as the disclosure of chemicals is concerned, the risks and hazards of 2/3rds of these additives are not clear and the toxicity of more than one-half remains uninvestigated, unmeasured, and unknown; and that basic information does not exist about these chemicals which move through the environment. She stated they should fully understand the environmental profiles of all chemicals before allowing them to be used; stated that DOGGR's regulations are insufficient and unenforced; and she urged Carson to be the next city that bans fracking in California.

Susan Dembowski, Long Beach, stated that fracking is taking place on the islands in Long Beach; stated that what happens in Carson affects the residents of neighboring communities; asked that the ban include high intensity petroleum operations; asked that the loophole be removed which allows for an exemption; and asked for a 1,500-foot setback.

Joe Galliani, Torrance, South Bay 350 Climate Action group, South Bay Clean Power program, expressed his belief that Carson is the oil town that all the surrounding communities worry about because its refinery operations are producing greenhouse gasses and polluting the surrounding environment; and stated he is in favor of jobs for Carson, but in favor of good, clean, healthy jobs for Carson. He invited everyone to attend the Phillips 66 refinery workers in their rally to bring attention to their concerns with employee safety and employee cutbacks, noting that Phillips 66 refinery is giving the work of three employees to one person because of budgetary cutbacks; and stated that the record-high profits in this industry are not being pumped back into making this industry safe for all. He stated this industry is reckless and is the only industry in this country allowed to spread its toxic product, impacting the environment and the health, affecting the food and water we all consume. He stated that SB-350 just passed the Senate and is working its way through the Assembly, a bill which requires a 50-percent reduction by 2030 in the use of petroleum in California for transportation; and that if Carson is going to tie its economic future to the oil industry, Carson will be at risk for the coming carbon bubble.

Ash Lauth, Center for Biological Diversity, an organization of scientists and attorneys with over 120,000 members in California, urged the City to extend the ban to include high intensity petroleum operations, including well stimulation and enhanced oil recovery; asked that the loophole be removed which allows for an exemption; that the City maintain no less than a 1,500-foot setback on new oil/gas operations to sensitive receptors; stated that the EPA has found that fracking does pollute drinking water; and stated that Carson has the authority to use its zoning and land use regulations to control this industry.

Ron Miller, LAOC Building Trades, stated there are 140,000 craftsmen and women in this union in Los Angeles and Orange County who work in this industry, many who live in Carson; and asked that this matter be continued to give the new Interim City Manager an opportunity to become familiar with this City and its residents' needs. He stated that the trades unions have worked very hard at the state level to pass legislation this year to improve the safety of the refinery industry with SB-54, which imposes new safety measures in the refineries, improves wages and makes the refineries and building trades a greater partner in the state, noting these measures are continually being improved.

Samuel Sukaton, Sierra Club, a 47,000-member club in L.A. and Orange Counties, stated that Carson's permitting system should be in line with the South Coast AQMD,

noting that agency uses a 1,500-foot setback in its plan for new wells; and that this should be the minimum setback for all/existing oil and gas production after 2050.

Tommy Faavae, representing IBEW Local 11 and resident, stated this item should be continued to give the six new Planning Commissioners more time for review; advised that the state has passed SB-4; stated that this industry is a job creator; pointed out there is no current application and no need to rush this through, questioning the urgency of rushing this; and stated that many people and companies have a stake in this matter, urging that this issue be transparent across the board. He asked that this matter be continued and that the Interim City Manager's input and expertise be obtained.

Rick Foss, business representative for Sheet Metal Workers Local 105, stated that this process has an impact on the economy for all; asked that this matter be continued to gather more concrete evidence and to do further research, stating there is no need to rush this through; and asked that everyone, including city staff, research the guidelines of SB-4.

Frank Zavala, representing nearly half a million members of the State Building Construction Trades Council of California, stated that SB-4 was enacted in order to create uniform regulations utilizing the utmost engineering expertise as it relates to extraction activities; stated that Southern California alone is home to approximately 200,000 jobs that are extraction related and rely on this industry, an industry and jobs that depend on uniform statewide regulations; and stated that everyone wants to work and live in a safe environment, which is why they support SB-4. He added that Governor Brown has signed SB-54, which protects the communities and workers who travel from other states to work in California.

Joaquin Santos, Lomita, union labor representative Local 1309, stated that he represents hundreds of laborers in the petroleum industry; and urged Carson to not adopt anything that will cause thousands of workers to lose their jobs, many of them who live in Carson.

John Edmistan, resident, stated that on Monday mornings, the air smells like sulfide, believing these facilities illegally release these emissions during the evening on the weekends; and stated that he requested the air quality be tested, but noted his frustration that the air was checked on Wednesday when the odors had dissipated.

Dr. Leah Garland, L.A., noted her concern with this industry and the impacts to the environment; stated there are growing opportunities for clean solar and wind energy; advised that there are currently 450 parts per million of carbon dioxide in our air, which is beyond safety standards; and expressed her belief it is dangerous to allow fracking to continue. She expressed her belief the CCST report presented this evening is very limited and biased; asked that the ban be extended to include high intensity petroleum operations; that the loophole for an exemption should be removed; and that setbacks should be no less than 1,500 feet.

Josephine Graf, resident, noted her opposition to the oil companies finding a way around the laws.

Daryl Gale, L.A., stated that Carson does not need more drilling; noted the need for solar and sustainable employment; stated that all new buildings should be solar powered; and that the setbacks for new drilling should be 1,500 feet, which is used by the South Coast Air Quality Management District and DOGGR as a buffer area to

sensitive receptors. She mentioned that Dallas, Texas has a 1,500-foot setback standard.

Brenna Norton, L.A., expressed her belief all workers and residents are affected by the toxic oil industry; asked that the loophole be removed which allows for an exemption; that the minimum setback should be 1,500 feet; and to include all high intensity petroleum operations in the ban.

Cassandra Reed, resident, noted her opposition to the oil operations in this community.

Cindy Koch urged this City to fight for the health and well-being of this community.

Greg Bashem, representing many union workers who work hard, noted interest in the health and well-being of this community, but pointed out that this industry brings many jobs and is good for the economy; and pointed out that fracking is not being proposed in this community.

Jack Quirk, Brea Canon Oil Co., stated that he submitted letters to the Planning Commission, dated July 20, 2015 and July 23, 2015; noted that in the first letter of July 20th, they raise the question of treating existing wells as nonconforming uses and therefore are subject to elimination in 20 years; highlighted the alternative proposed language in staff report on page 20; and noted that if they correctly understand the intended change, that would be acceptable to them with some slight recommended tweaks to the wording and other editorial changes, as indicated in their July 23<sup>rd</sup> letter.

Mr. Quirk stated that the effort to change the code for the existing oil and gas projects in this community is awkward, time-consuming and inappropriate, and is more difficult than it needs to be when you base it on a conceptual, ideal project of the future; stated that these two processes should be separated into two distinct activities; that the process of dealing with City petroleum franchised pipelines and other franchises in the City should be separated from the oil code; and that the conversion of industrial use properties - whether oil and gas properties or any other industrial use properties to other nonindustrial uses - should be separated from the oil and gas code; and that those projects should be treated separately, either as separate portions of the overall revision of the zoning ordinance or in some other separate manner. He asked that this matter be continued for further improvements.

Walker Folley, Food and Water Watch, invited all to attend tomorrow's rally with the United Steel Workers to demand that their safety and everyone around them be taken into consideration at the Phillips 66 refinery; asked that the ban be extended to include high intensity petroleum operations; that the loophole be deleted which allows for an exemption; that there be no less than a 1,500-foot setback from sensitive receptors; and announced that Latham & Watkins recently lost their fight with the County.

Rev./Dr. Timothy Murphy, Progressive Christians Uniting, Pasadena, asked that the ban be extended to include well stimulation, fracking, acidizing, and gravel packing; urged the deletion of the loophole that allows for an exemption; that there be a minimum 1,500-foot setback from sensitive receptors; and expressed a need to create good paying, healthy jobs.

Roye Love, resident, stated that Carson fits into the category of social and economic injustice with the oil industry, especially those residents located in the 90746 zip code which district has a high asthmatic hospital rate; and noted his opposition to the negative health impacts of this industry. He asked that a minimum 1,500-foot setback

from sensitive receptors be adopted; stated there should be no more drilling in Carson; and pointed out that fracking takes all kinds of forms.

Winifred Pearson, resident, urged the City to move forward and continue to improve the environment and make this is a clean/green community.

Kent Minault, Sierra Club, So. Cal 350 Climate Action group, addressed economics in this city, stating it is increasingly risky to tie the economic prosperity of this city to continued oil production; asked that the ban be extended to include high intensity petroleum operations; to remove the loophole which allows for an exemption; that a minimum 1,500-foot setback should be put in place; and stated that Carson should be taking a longer view of what will be happening with this industry in the future and should strive for a clean, renewable energy future.

Jim Montgomery, Torrance, stated this is both a local and regional issue; stated that in terms of a local issue, this is an environmental and social injustice issue; noted that Carson ranks in the top 15 percent for one of the most polluted cities in California; noted his concerns with earthquakes, water contamination, and health impacts of this industry; and noted his support for solar energy.

Damien Luzzo stated that fracking has been taking place in California; noted his opposition to the harmful effects of this industry, including polluting the water supply; and he touched on environmental injustice issues.

Chairman Diaz recessed the meeting at 9:16 P.M. and reconvened the meeting at 9:31 P.M.

Hamid Assian, L.A., noted his support to ban fracking, to adopt a minimum 1,500-foot setback from sensitive receptors, to close the loophole which allows for an exemption, to include in the ban all high intensity petroleum operations; and he urged Carson to put people over profits.

Raquel Morales, Wilmington, noted her support for a ban on fracking, stating it uses a large amount of water and creates an unhealthful environment; asked that the ban include high intensity oil extraction operations; that the loophole be closed which allows for an exemption; and noted her support for a minimum 1,500-foot setback.

Jeff Cooper, Cooper & Brain, a family-run oil operation, stated they have five wells in Carson; and urged the Commission to continue to work out the bugs within this update.

Alicia Rivera, Communities for a Better Environment, noted her support to ban fracking and other processes related to fracking; stated she supports a 1,500-foot setback; noted her concern with the unhealthful impacts of this industry; and she stated that Carson is in the top 15 percent of the most polluted communities in California.

Melissa Bahmanpour, Long Beach, noted her concern with the safety of the water supplies; stated that Long Beach does conduct fracking activities; stated it is important to know exactly what chemicals these oil companies are putting in the ground and at what quantities; and urged Carson to look out for the health of its residents and neighboring cities.

Tom Muller, Manatt, Phelps, L.A., representing the mineral rights holders in Carson, stated that a letter has been provided to the Commission; noted that he empathizes with the quality of life issues; reminded everyone that oil drilling and production has been going on in Carson for over 100 years without incident; that acidizing has been going on for over 60 years without incident; and pointed out that there has not been fracking in

Carson and won't be. He advised that there are extensive and comprehensive statewide and national regulations in place and added that to have individual cities also imposing additional conflicting/restrictive regulations will make it impossible to do business. He reiterated that fracking will not be taking place in Carson.

Mr. Muller stated that the problem with this ordinance is there are many issues of concern, but when Carson attempts to regulate down-hole activities, that's where it gets too complex for any novice outside of the professional petroleum industry; and that this complex issue is beyond the ability of a local jurisdiction's knowledge to manage, which is why the state has 200 experts working with the Department of Oil and Gas to regulate these things, experts who know what they're talking about and have adopted the most comprehensive regulations. He urged the Commission to remove from this ordinance the down-hole regulations portion and rely on the state regulations that are the most restrictive in the nation.

Nicki Carlsen, Alston & Bird representing E&B Natural Resources, stated that she submitted a letter this evening; advised that E&B has safely operated in Carson for years and in compliance with all laws and with no complaints from the community or city; and pointed out that any accusations of damage, destruction and failure are not true. She noted that after five hearings, the proposed code is still not ready to be adopted, pointing out there are numerous changes in tonight's staff report; and added that staff is suggesting another series of potential changes depending on what the Commission chooses.

Ms. Carlsen noted that the presentation this evening regarding the CCST study went into great length, which included a number of mitigation measures that should be considered; and that there have been a number of letters submitted this evening which demonstrate there are still many issues that need to be resolved. She expressed her belief that staff report is a little optimistic about the Good Neighbor provisions, noting a lot of hard work has taken place thus far, but believes there is still a ways to go before adoption. She pointed out that the setback issue is still a huge issue for the existing operators; advised that those facilities were constructed in compliance within the laws at that time and that they believe those should be allowed to continue to operate; stated that a 20-year lifespan is not sufficient for those facilities; and stated that those facilities last anywhere from 65 to 100 years depending on how calculations are made.

Ms. Carlsen stated that with respect to the proposal for a 1,500-foot setback for an industrial use, she pointed out that there are plenty of business operations in Carson which cause other environmental effects on this community, questioning whether Carson is going to apply this setback rule to all those uses; and stated if that is so, there won't be any industry remaining in Carson. With regard to a question put forth as to is there any other way to do address fracking, she stated it is SB-4; while there was a whole presentation this evening on the other studies, no summary has been presented with respect to SB-4 as to what its regulations do, what the new EIR has; and before a decision is made, she suggested that the Commission should make a determination as to whether SB-4 is sufficient.

Pilar Hoyos, Watson Land Company, stated it is necessary to do this right and to bring aboard the new Interim City Manager to weigh in on this code, noting he has 19 years of experience with oil operations. She stated that this whole issue has been troubling and pulverizing on this community; and she noted her concern with the intentional inaccuracies that some of these environmental groups are spreading, pointing out there was never a proposal contemplated for 200 fracking wells. She highlighted these

groups' intent to treat Carson as ground zero, stating that Carson does not need to be ground zero for these groups and be put at risk for major lawsuits; and noted that these groups will walk away from the financial risks and leave Carson residents and property owners to suffer all the financial consequences. She stated it is not appropriate to villainize this industry when all of us depend daily on products produced by this industry.

Adrian Guillen, resident, urged the Commission to take more time to consider the statewide impacts of the code update and asked that the Commission reject the proposed ban on energy production.

Cruz Gonzalez, member of Californians for Energy Independence and resident, stated that the code should not discourage energy production in this community; and stated that doing so will jeopardize thousands of jobs, local tax revenues, impact emergency services, parks, and schools.

Matthew Tapie, resident, stated that these local energy operations generate millions of dollars in tax revenues for services that maintain everyday life in this community; and he urged the Commission to reject a ban on production techniques that are already heavily regulated by state law.

Thomas Perry, resident, urged the Planning Commission not to adopt anything so restrictive that it will hinder production and jeopardize this community's economic future; and he asked that more time be taken to consider other impacts.

Al Sattler, RPV resident, South Bay Sierra Club representative, stated that Carson has its share of refineries; noted that the Sierra Club also supported the Hermosa Beach residents in their fight against the oil industry; and highlighted the need to transition off fossil fuels and into renewable, clean energy and for a just transition for the workers who depend on the oil industry for their jobs as the oil industry gradually shuts down.

L. Carter stated that this process has been going on for over three years and is not being rushed; stated that the PA position should be put back in; that the setback should be a minimum of 1,500 feet; that there should not be any new drilling after 20 years; and that they eventually should all be phased out.

Bahram Fazeli, Policy Director for Communities for a Better Environment, stated that Carson should develop a policy not based on 70-year-old standards but based on a safe and new-age understanding of the unhealthful effects this industry brings to communities; pointed out that we know more today about this industry than we did 70 years ago; and he urged Carson to raise its standards that are in line with today's knowledge of the unhealthful impacts of this industry upon communities. He stated there are some environmental injustice issues in this community and that more should be expected from this industry. He stated that with today's standards, a city would never put a new drilling operation within 1,500 feet or 2,000 feet of a sensitive receptor.

Logan Allen, Long Beach, stated that from what he has personally experienced in other states as an oil and gas worker, California is far too restrictive with this industry and what Carson is proposing is too cumbersome and will prevent this industry from operating. He stated that everyone consumes oil products/fossil fuels on a daily basis, pointing out that is how most everyone got to City Hall this evening. He stated there needs to be a balance of what's best for the oil industry and a community; and he urged Carson to develop a code that is fair to all.

Robert Lesley, resident, stated this industry does not employ a large number of people on a permanent basis; urged the City to close the loophole which allows for an

exemption; and stated that Carson does not need to have one person as a PA but that Carson needs a Commission to regulate this industry. He expressed his belief that SB-4 does not adequately regulate this industry.

Sylvia Arredondo, Wilmington, noted her opposition to the unhealthy impacts of this industry; asked that the ban be extended to include high intensity operations; asked that the loophole be deleted which allows for an exemption; and stated there should be a minimum 1,500-foot setback.

Thomas Walker, Huntington Beach, stated he is a professional petroleum engineer and that he has no concerns living within close proximity to many oil wells/operations; and urged the City to continue to work closely with all parties to come to a fair code update for all. He pointed out that these oil operations in Carson have been running safely for many years; stated this is a complicated industry and that the regulations should be kept in the hands of those who know exactly what they are doing; and that each issue should be addressed separately before going on to another issue. He noted his appreciation with the oil industry being able to work with staff and MRS on this process.

Jesse Marquez, Coalition for a Safe Environment, stated that the petroleum industry has not been good neighbors; and noted his opposition to the unhealthy effects of this industry. He noted his concerns with the safety of this industry being located in earthquake territory.

Ted Cordova, E&B Natural Resources, stated this company has safely operated in Carson for many years and that they closely adhere to the stringent regulations put in place in California; stated they are open to fair changes that benefit all involved; and added that E&B is already a good neighbor company that has no complaints or received any notice of violations. Mr. Cordova stated he is not in agreement with everything that is being proposed because it would essentially put them out of business when dealing with increasing the setback; and stated that the code isn't intended to shut down businesses, loss of jobs and city revenues. He urged the City to continue its dialogue with all parties involved, especially with all the new Planning Commissioners, new Interim City Manager, and new City Council Members; and to allow all to get up to speed on this issue and learn what the needs are for all parties involved. He invited the Planning Commissioners to tour their facilities.

Gloria Lewis, resident, stated the oil industry should be shut down in Carson and that Carson shouldn't be afraid of the threats of lawsuits.

Commissioner Mitoma stated that we as a society need energy but added that it is not fair for Carson to take the brunt of all the negatives that come with this industry; stated that Carson will not solve the entire environmental problem with the elimination of this industry in Carson; and stated there is a need for environmental justice in this community. He reiterated his concerns with the recent oil spills at local beaches, noting we need safe off-shore drilling.

Mr. Perez provided a few clarifications in response to some of the statements made by the public this evening; advised that the CCST study is a very complex and lengthy study with good and important information, but very difficult to give the audience a summary version of it; and he invited people to take a close read of it because it contains valuable information. He stated there are some drawbacks; and that they are also talking about the need for additional study.

Mr. Perez stated that with regard to the acidizing issue, he clarified that the CCST reports 90 percent of all well stimulation in California is hydraulic fracturing; that approximately 10 percent is matrix acidizing; and that acid fracturing operations is nearly none. He stated that operators in California commonly use acid for well maintenance, but acid stimulation will not likely lead to a major increase in oil and gas production due to the state's geology; reiterated that acidizing is not a widely used method in the Los Angeles basin and not a widely used method in California; and explained that the industry has been using acidizing to clean scale build-up for 60 years, but that is a substantially different amount of acid and a substantially different use. He clarified that while acid is used for routine maintenance in low volumes, that does not constitute acidizing.

Mr. Perez stated there was also some discussion about hydraulic fracturing that happened at the Inglewood oil field; pointed out that his company does environmental compliance work with that particular field; advised that there were two test wells which were done around 2011 and that they proved to be unsuccessful; and that they were not able to produce from those reservoirs, and they ceased operation after that. He added that the CCST report he mentioned earlier actually commended the study that was done to study how that hydraulic fracturing operation was done and what environmental impacts it had. With regard to seismicity, he noted there were seismic monitors put in place in a number of different areas to ensure there would be monitoring if any impacts occurred with the ground water; stated that study is mentioned in the CCST study as the one to try to emulate when one is doing a hydraulic fracturing operation; and to suggest it was done and had substantial impacts is clearly not accurate.

Commissioner Andrews noted his concurrence with the comments that the language in Section 9536 creates a loophole and stated he'd like to see that loophole eliminated.

Assistant City Attorney Chaffin advised that the oil industry representatives have also requested that language be removed, noting he can only speculate as to why they would want that language removed. He explained that this particular language is two-fold; that there's been a lot of focus on what is reasonably necessary to avoid a taking, noting the words "reasonably" and "necessary" have raised some concern; and stated that they obviously don't want unnecessary language to be included. He added that the second aspect of that is the owner would have to show that their operations, that fracking would not constitute a nuisance, and if for some reason the City Manager was to say that the fracking operation did not constitute a nuisance, which is the loophole, there would be a right of appeal to the Planning Commission.

Assistant City Attorney Chaffin noted that additionally, under the notification requirements of SB-4, there are notification requirements for these sorts of operations and also notification requirements in the code for certain operations as well from DOGGR; explained that the way the code is written and the way the process is set up by adding the other components from the other portions of the code, there would be full opportunity to review and have the opportunity for appeal if the community or any other person believed there was an inappropriate decision being made.

Commissioner Andrews asked if the ground is not frackable, then why the argument.

Assistant City Attorney Chaffin stated that staff completely understands, and the direction received from City Council was to have a fracking ban component, noting this is the fracking ban component; and stated that various strategies and tactics have been discussed, which would be more appropriately discussed further in closed session if the

Commission desires. He noted that the Planning Commission does have the authority to remove this language.

Addressing setback issues, Commissioner Schaefer asked that staff provide some information on whether the wells existed before any of the homes.

Chairman Diaz closed the public hearing.

Planning Commission Decision:

Commissioner Faleto go moved, seconded by Commissioner Schaefer, to continue this hearing to September 8, 2015; to support Option No. 1 for City Manager oversight, strengthening the job description of the City Manager to perform this oversight; to continue to work on the Good Neighbor Agreement provisions; to set up small group workshops for the Planning Commissioners to meet and consult with Interim City Manager Ken Farfsing for a better understanding given his expertise with Signal Hill and its oil industry; and with regard to setbacks, to determine which came first, the oil wells or the homes. (This motion ultimately passed.)

Commissioner Mitoma stated he would feel more comfortable with the City Manager reviewing all the add-ins and him possibly making additional suggestions before the Planning Commission gives its direction.

By way of a friendly amendment, Commissioner Mitoma suggested supporting both Option Nos. 1 and 2.

Commissioner Faleto go rejected the friendly amendment; and he noted his support for Commissioner Mitoma's suggestion that the City Manager review the add-ins prior to the Planning Commission, possibly giving further direction on those add-ins.

By way of a substitute motion, Commissioner Post moved, seconded by Commissioner Andrews, to continue this hearing to September 8, 2015; to support the option requiring a Petroleum Administrator, Option No. 2; to require a minimum 1,000-foot setback; and for Alexandra Nagy to be invited to the code committee meetings so that she can listen to the input of what the residents of Carson need/want.

Commissioner Post thanked the audience members for their passionate participation and efforts, and for the efforts of the consultants and staff.

Commissioner Post clarified for Assistant City Attorney Chaffin that Ms. Nagy is to be invited to the code committee meetings with the community and that the meetings are to continue as scheduled if Ms. Nagy is not able to attend.

The substitute motion failed as follows, 4-5:

AYES: Andrews, Mitoma, Post, Thomas  
NOES: Cinco, Faleto go, Schaefer, Madrigal, Diaz  
ABSTAIN: None  
ABSENT: Guidry

Assistant City Attorney Chaffin noted his understanding of the standing motion as follows:

- Continue to September 8th;
- Set up small group workshops with the Commissioners and City Manager (as well as MRS, City Attorney and staff);
- Retain the "City Manager" instead of the "Petroleum Administrator";

- “Strengthen” the Good Neighbor Agreement provisions; and
- Provide information as to what was built first - the wells or the homes.

Commissioners Faletogo and Schaefer concurred with Assistant City Attorney Chaffin’s understanding of the motion.

The original motion carried as follows, 5-3-1:

AYES: Cinco, Faletogo, Schaefer, Madrigal, Diaz  
NOES: Andrews, Mitoma, Post  
ABSTAIN: Thomas  
ABSENT: Guidry

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## 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 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 for properties citywide.

#### Staff Report and Recommendation:

Planning Manager Naaseh briefly provided a report and the recommendation for the Planning Commission to direct staff to return with a resolution and ordinance for final consideration and approval at a continued meeting.

Assistant City Attorney Chaffin stated that the Commission can choose to include all the testimony that was given in Item No. 11A and incorporate that testimony into Item No. 11B but a separate motion would need to be made; and he added that the public hearing should be opened for any input on this item.

Chairman Diaz opened the public hearing.

Latrese Carter, resident, noted her concern with the health impacts of this industry; and stated she’d like this Commission to take action on this issue and move it forward.

Alicia Rivera, Communities for a Better Environment, noted her concern with the health impacts of this industry.

Joe Galliany, Torrance, commented on the increasing temperatures on this planet; stated that the earth’s atmosphere is currently at 403 parts per million of CO<sub>2</sub>; advised that he is a member of the global climate group 350.Org; explained that this group is appropriately called 350 because climate scientists have stated that 350 parts per million is the right amount of CO<sub>2</sub> in the atmosphere to continue civilization as we’ve known it; and if our grandchildren are to have that same shot at civilization, he urged the City to stop delaying this update. He stated that our carbon budget is now down to 403

gigatons, which gives us 10 years before earth hits the red line of 2 degrees Celsius, a critical number that every nation on this planet has agreed is the one number we don't want to experience.

Chairman Diaz closed the public hearing.

Planning Commission Decision:

Chairman Diaz moved, seconded by Commissioner Andrews, to incorporate into this item all the testimony given this evening from Item No. 11A; and to continue this matter to September 8, 2015. Motion unanimously carried, 9-0 (absent Guidry).

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**11. PUBLIC HEARING**

**A) Conditional Use Permit No. 971-15**

Applicant's Request:

The applicant, Century Theatres, Inc., is requesting approval to sell beer and wine for onsite consumption within a movie theater at the SouthBay Pavilion, 20700 S. Avalon Boulevard.

Staff Report and Recommendation:

Continue to September 8, 2015

Chairman Diaz opened the public hearing.

Dr. Rita Boggs noted her opposition to alcohol sales in theaters.

Lyn Jensen, stated that a notice to engage in the sale of alcohol beverages should be posted on site, noting that if the state receives one legitimate complaint regarding that notice, the license to sell liquor can be denied.

Chairman Diaz closed the public hearing.

Planning Commission Decision:

Chairman Diaz ordered this matter continued to September 8, 2015. No objection was noted (absent Guidry; Thomas had not yet arrived).

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**11. PUBLIC HEARING**

**B) Design Overlay Review No. 1575-15**

Applicant's Request:

The applicant, Jerome Julian, is requesting to construct a 7,000-square-foot light-industrial office/warehouse building with six areas of approximately 1,166-square-feet to be located in the MH-D (Manufacturing, Heavy, Design Overlay) zoning district. The subject property is located at 16908 S. Broadway Street.

Staff Report and Recommendation:

Associate Planner Gonzalez presented staff report and the recommendation to WAIVE further reading and ADOPT Resolution No. 15-2550, approving Design Overlay Review No. 1575-15 for the development of a 7,000-square-foot industrial building to be constructed with six units of approximately 1,166 square feet to be located at 16908 Broadway Street.

Chairman Diaz opened the public hearing.

Harmik Nazariaan, applicant/property owner, noted his agreement with the conditions of approval; and he noted for Commissioner Faletogo that there are no tenants for this project at this time.

Chairman Diaz closed the public hearing.

Planning Commission Decision:

Commissioner Schaefer moved, seconded by Vice-Chairman Madrigal, to approve the applicant's request, adopting Resolution No. 15-2550. Motion unanimously carried, 8-0 (absent Guidry; Thomas had not yet arrived).

<b>12. WRITTEN COMMUNICATIONS</b>	None
<b>13. MANAGER'S REPORT</b>	None
<b>14. COMMISSIONERS' REPORTS</b>	

Commissioner Schaefer pointed out that she has been diligently working on this oil update for more than two years and has taken this matter very seriously; and she stated it is offensive when speakers at the podium say that the Commissioners are doing otherwise. She stated that she appreciates the passion of the audience members and added that she is just as passionate about living in a safe and healthy environment; but pointed out that it is absurd for those to imply that global warming will be solved by Carson adopting an over-regulated code.

Commissioner Thomas apologized for his late arrival, noting he just returned from Hawaii this evening.

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**15. ADJOURNMENT**

At 11:26 P.M., the meeting was formally adjourned to Tuesday, August 11, 2015, 6:30 P.M., Helen Kawagoe City Council Chambers.

\_\_\_\_\_  
Chairman

Attest By:

\_\_\_\_\_  
Secretary