



CITY OF CARSON

PLANNING COMMISSION STAFF REPORT

PUBLIC HEARING: December 8, 2015
SUBJECT: Zone Text Amendment No. 19-15
APPLICANT: City of Carson
REQUEST: Motion to Amend Something Previously Adopted (The November 24, 2015, Recommendation of Approval 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) Related to Setback Items Only
PROPERTY INVOLVED: Citywide

COMMISSION ACTION

____ Concurred with staff
____ Did not concur with staff
____ Other

COMMISSIONERS' VOTE

AYE	NO		AYE	NO	
		Chairman Diaz			Mitoma
		Vice-Chairman Madrigal			Pimentel
		Andrews			Post
		Fe'esago			Thomas
		Guidry			

I. Introduction

The Planning Commission previously adopted a motion recommending approval of the City's Oil and Gas Ordinance and related CEQA finding to the City Council on November 24, 2015. The motion was 6-2-0 with several Planning Commissioners absent. A request has been made of Staff to set this item on the agenda with regard to a motion to amend this adopted recommendation as to the issue of setbacks only.

II. Background

The Planning Commission previously adopted a motion recommending approval of the City's Oil and Gas Ordinance, and related CEQA finding, to the City Council as follows:

- Approve the resolution as drafted with a 1,000-foot setback;
- The City Manager, or designee, will be in charge of enforcement of the nuisance procedures;
- To allow the incentive program to transfer between the Wilmington and Dominguez fields to an existing receiving site; and
- Approve staff-recommended modifications to bonding language for Section 9519.

The motion was approved 6-2 with several Planning Commissioners and Alternates absent due to the Thanksgiving holiday and other reasons.

III. Analysis

A "motion to amend something previously adopted" is a procedural motion that may be brought after the Planning Commission has adopted an original motion. Unlike a motion to rescind, this motion can be used to change only a part of the text or a discrete portion of the previously adopted motion. Additionally, unlike a motion for reconsideration, the motion may be brought by any Planning Commissioner regardless whether the Commissioner voted in favor or against the original motion.

As a result, this matter may be considered only under the following conditions:

- Any seated member of the Planning Commission may make the motion to amend;
- The motion must only amend the original adopted motion with regard to the limited issue of setbacks (no other topic areas can be included);
- The motion to amend must be seconded by another seated member of the Planning Commission;
- The public comment period has already been closed; there is no legal obligation to re-open public comment but the Planning Commission has the discretion to re-open if it so chooses;
- The Planning Commission may debate the motion to amend;

- The motion to amend may itself be amended;
- 5 votes are necessary to adopt the motion if all 9 Planning Commissioners are present; and
- An affirmative vote on the motion to amend may not be subject to a motion to reconsider.

The agenda item will be concluded if a motion is not made, dies for the lack of a second, or if there are not enough affirmative votes in favor of the motion to amend. Under these circumstances, the original recommendation of approval will proceed to the Council for consideration. However, if the motion passes, the originally approved motion will be amended with regard to the limited issue of setbacks. The recommendation will then proceed to the City Council for consideration.

IV. Recommendation

If the Planning Commission is inclined to amend its original motion with regard to setbacks, the motion would be as follows:

"I bring a motion to amend something previously adopted. Specifically, I move to amend the previously adopted Planning Commission motion related to item 9(A) of the November 24, 2015 agenda, recommending approval to the City Council of an Ordinance to adopt Zone Text Amendment No. 19-15 an Oil and Gas Ordinance for regulation of petroleum facilities and operations, with regard to the issue of setbacks as follows: Setbacks to be set at _____ feet for Section 9521.A.1-3 and 9521.D.3. All other adopted recommendations of approval, including those related to the CEQA finding, remain the same."

VI. Exhibits

Prior Planning Commission Agendas and materials are available and can be found at: http://ci.carson.ca.us/departments/communitydevelopment/planning_agenda.asp.

Additional comment letters, studies, and other written materials can also be found at: <http://ci.carson.ca.us/departments/communitydevelopment/oilcodeupdate.asp>.

Prepared, Reviewed and Approved by:


Saied Naaseh, Planning Manager