

CITY OF GARDENA
PLANNING & ENVIRONMENTAL QUALITY COMMISSION
TUESDAY, DECEMBER 6, 2016, MEETING

* * *

Called to order by Chairman Kaskanian at 7:00 P.M.

ROLL CALL

Present: Brenda Jackson, Philip Johnson, Steve Sherman,
Harout (Art) Kaskanian
Absent: Nolan Jamora
Also in Attendance: Mitchell G. Lansdell, City Manager
Lisa Kranitz, Assistant City Attorney
Raymond Barragan, Community Development Manager
William Kavadas, Planning Assistant

PLEDGE OF ALLEGIANCE

Led by Commissioner Johnson.

APPROVAL OF MINUTES

A motion was made by Commissioner Johnson and seconded by Commissioner Jackson to approve the minutes of November 15, 2016. The minutes were approved 4-0.

Ayes: Jackson, Johnson, Sherman, Kaskanian
Noes: None
Absent: Jamora

PUBLIC HEARING

Agenda Item #5

Site Plan Review #9-16 Conditional Use Permit #7-16

A request for a conditional use permit to operate a dialysis treatment facility, per Section 18.32.030(J), and to approve site plan review of a new 10,842 square foot structure, per Section 18.44.010(A), in the General Commercial (C-3) zone and direct staff to file a Notice of Exemption as an in-fill project.

Project Location: 1201 West 155th Street (APN:6113-001-042)

Applicant: DaVita, Incorporated

Planning Assistant William Kavadas presented the Staff Report and recommended that the Planning and Environmental Quality Commission adopt Resolution No. PC 15-16 approving Site Plan Review #9-16 and Conditional Use Permit #7-16 for a conditional use permit to operate a dialysis treatment facility, per Section 18.32.030(J), and to approve site plan review of a new 10,842 square foot structure, per Section 18.44.010(A), in the General Commercial (C-3) zone and direct staff to file a Notice of Exemption as an in-fill project.

Commissioner Jackson questioned the location of the 27 additional off-site parking spaces.

Mr. Kavadas responded that the off-site parking spaces would be located directly adjacent to the subject parcel.

Commissioner Jackson questioned on-site landscaping provisions.

Mr. Kavadas responded that per recent conversations with the applicant, the applicant is considering changing landscaping from the currently proposed option to a more drought tolerant variety. Mr. Kavadas stated that total landscaping amount will still be required per code and that the landscaping will still be required to act as a transition zone between the dialysis facility and the adjacent residential properties.

Commissioner Jackson questioned the selection of tree species as part of the drought-tolerant landscaping.

Mr. Kavadas stated that such questions should be answered by the applicant during public comment.

Chairman Kaskanian questioned the hours of operation.

Mr. Kavadas responded that the conditioned hours of operation are from 5:00 AM to 6:00 PM but that the applicant has recently stated that they would like to extend the hours of operation later into the evening. Mr. Kavadas stated that the existing shopping center has late operating hours. Mr. Kavadas stated that staff expects the proposed dialysis facility to be less intensive than the shopping center facilities. Therefore, staff considers an extension of operating hours to be compatible with surrounding residential communities.

Assistant City Attorney Lisa Kranitz stated the Planning and Environmental Quality Commission should consider placing some sort of restriction on operating hours and also making sure that the conditions of approval state that the applicant shall comply with the 2016 California State Building codes depending on when they apply.

Chairman Kaskanian also had a concern about the windowed facades.

Mr. Kavadas stated that the applicant would be better able to answer questions about any window treatments.

Chairman Kaskanian opened the public hearing and asked the applicant to step forward.

Kai Chan, KCDA Architects, 10817 Santa Monica Boulevard, Los Angeles, California 90025, came forward to speak and stated that he would be happy to answer any questions.

Chairman Kaskanian questioned the window transparency.

Mr. Chan stated that HIPAA requirements dictate that windows have tinting and blinds to improve patient privacy.

Chairman Kaskanian stated that he was also concerned about noise and operations due to the proximity to residential areas.

Mr. Chan concurred with the Chairman's statements and stated that the building had been oriented towards the Gardena Valley Shopping Center and away from adjacent residences.

Chairman Kaskanian questioned the business hours.

Mr. Chan stated that hours vary between shifts but generally start at 3:00 AM or 4:00 AM with patients arriving between 5:00 AM and 6:00 AM. Depending on the number of shifts, the facility may remain open until somewhere between 6:00PM and 9:00PM.

Commissioner Jackson wanted to know what kind of drought tolerant trees may be planted in the parking lot.

Mr. Chan stated that the trees have not yet been decided but would meet City standards and provide shade.

Commissioner Jackson asked if the parking spaces in the adjoining parking lot would be repaved as part of the project.

Mr. Kavadas responded that no requirements were placed on the project that would mandate replacement of off-site paving and it would be a decision between the property owners.

Commissioner Jackson questioned the number of employees in the morning hours.

Mr. Chan stated there would be between six and eight employees on the first shift.

Commissioner Johnson asked if six to eight employees would work per shift.

Mr. Chan stated that there could be up to twenty-five patients so there could be up to ten employees per shift.

Commissioner Sherman asked if there would be twenty-five patients per shift.

Mr. Chan stated there would be approximately twenty-five patients per shift but that 70 to 80 percent of patients do not drive to a typical DaVita Dialysis Center.

Chairman Kaskanian asked how long the dialysis process would take.

Mr. Chan stated that the process would take approximately three to four hours. Mr. Chan continued by stating that there would be a large amount of downtime in the middle of a shift due to the amount of patients who are taking part in the dialysis treatment process. Mr. Chan finished by stating that he and his colleagues would try to submit plans prior to the adoption of the 2016 State Building Codes.

Cheral Sherman, 1104 West 159th Street, Gardena, California 90247, stated that she was in favor of California Native landscaping due to its ability to attract local wildlife and teach children and the elderly about nature. Mrs. Sherman stated that she could forward the information of a plant expert with the Friends of the Gardena Willows Wetland Preserve to the architectural team so the plant expert could share her knowledge.

Chairman Kaskanian closed the public hearing.

Commissioner Johnson questioned the final business hours for the dialysis facility.

Chairman Kaskanian asked Assistant City Attorney, Lisa Kranitz, how to move forward.

Ms. Kranitz stated that it was the decision of the Planning and Environmental Quality Commission to condition hours of operation, but to keep in mind that employees would more than likely begin arriving an hour before patients to prepare for the day.

MOTION: It was moved by Commissioner Johnson and seconded by Commissioner Jackson to adopt Resolution No. PC 15-16 approving Site Plan Review #9-16 and Conditional Use Permit #7-16 subject to the attached conditions of approval (Exhibit A) amending the operating hours from 5:00 AM to 9:00 PM, Monday through Saturday and directing Staff to file a Notice of Exemption as an in-fill project.

The motion passed by the following roll call vote:

Ayes: Johnson, Jackson, Sherman, Kaskanian
Noes: None
Absent: Jamora

Agenda Item #6

Mitigated Negative Declaration and Mitigation Monitoring Program #9-14 Site Plan Review #6-14 Conditional Use Permit #4-14

A request for a conditional use permit to operate a members-only gas station with eight pumps (16 fueling stations) and associated attendant kiosk, per Section 18.46.030(C)(23), to approve site plan review of the new gas station, per Section 18.44.010(A), and to adopt a Mitigated Negative Declaration and Mitigation Monitoring Program for the project at an existing Sam's Club retail store in the General Commercial (C-3) zone.

Project Location: 1399 West Artesia Boulevard (APN: 6111-036-057)

Applicant: Sam's Real Estate Business Trust (Sam's Club)

Community Development Manager Raymond Barragan presented the Staff Report and recommended that the Planning and Environmental Quality Commission adopt Resolution No. PC 16-16, for a conditional use permit to operate a members-only gas station with eight pumps (16 fueling stations) and associated attendant kiosk, per Section 18.46.030(C)(23), to approve site plan review of the new gas station, per Section 18.44.010(A), and to adopt a Mitigated Negative Declaration and Mitigation Monitoring Program for the project at an existing Sam's Club retail store in the General Commercial (C-3) zone.

Commissioner Jackson questioned if the main point of entry would be Normandie Avenue.

Mr. Barragan stated that the signalized intersection on Artesia Boulevard would be the main point of access for the proposed project.

Chairman Kaskanian asked if there would be any separation between the proposed project and the existing Taco Bell parking lot.

Mr. Barragan stated that the only barrier between the proposed project and adjoining uses would be the bioswale to the west of the project site.

Chairman Kaskanian asked if there would be any kind of signage that would direct users of the proposed project towards the appropriate exit or if they could drive directly into the Taco Bell.

Mr. Barragan stated that such signage did not show in the project plans but could be added as part of the project approval.

Chairman Kaskanian noted that Taco Bell could become concerned if increased automobile traffic began using their parking lot.

Mr. Barragan stated that the development could include directional asphalt signage.

Chairman Kaskanian questioned the noise produced by the project and the proximity of adjoining residential neighborhoods.

Mr. Barragan stated that the environmental consultant was in the audience and could speak on questions about noise impacts.

Chairman Kaskanian invited the applicant to speak.

Applicant Representative, Greg Fick, 701 North Park Center Drive, Santa Ana, California 92705, came forward and stated he was available for any questions. Mr. Fick continued by stating that he did not believe direction signage would be an issue because there would

be forty feet of distance between the fueling exit point and the Taco Bell stalls, but that directional signage would help.

Chairman Kaskanian asked again about noise impacts.

Mr. Fick stated that he would defer noise questions to the environmental consultant but that existing environmental studies showed no significant noise impacts would result from the project. Mr. Fick continued by stating that fuel deliveries would take place at the same time as Sam's Club deliveries, between 7:00 AM and 10:00 PM.

Commissioner Johnson questioned traffic circulation from Artesia Boulevard to the proposed project. Commissioner Johnson suggested entering via Normandie Avenue to reduce traffic impacts.

Mr. Fick stated that to reduce traffic impacts on the adjacent Taco Bell, traffic flow was reversed to enter the proposed use from the rear of the project site. Mr. Fick continued by showing that behind the eighteen gas pumps is space for fifteen cars to stack while waiting for a free pump. Mr. Fick concluded by stating that the amount of stacking space for automobiles is more than what is required for fuel stations in California.

Chairman Kaskanian asked if automobiles entering from Artesia Boulevard would utilize a single lane to make their way to the proposed use and if a study was done to see how many cars could stack without blocking the Taco Bell exit or any other drive aisles on site.

Mr. Fick responded that automobiles entering the site would have a large stacking area behind the proposed fueling stations.

Chairman Kaskanian asked again how many automobiles would fit in the drive aisle before reaching the proposed fueling station.

Mr. Fick responded that they did not anticipate any cars at all in the main drive aisle and that any stacking would take place behind the fueling stations.

Chairman Kaskanian commented that stacking of vehicles causes traffic issues at the Krispy Kreme Donuts whenever there is a sale and stacked vehicles sometimes exit out onto Vermont Avenue.

Mr. Fick stated that the on-site circulation had been evaluated and that the current proposal was the best layout for the site.

Chairman Kaskanian asked if there was a possibility of an additional lane of traffic with access from Normandie Avenue that was dedicated to fueling station access.

Mr. Fick stated that it was something that could be studied but he was not sure if it was something that the Commission should require or condition.

Commissioner Jackson stated that there is not as much leeway on Normandie Avenue for stacking and that maybe an additional area behind the proposed stacking area could be used for additional stacking.

Commissioner Johnson asked what barriers would be in place that would prevent a car from entering the fueling lanes from the opposite direction.

Mr. Fick stated that directional signage would be placed along landscape islands.

Commissioner Johnson stated that drivers may opt to disregard placed signage. Commissioner Johnson continued by stating that Costco's gas station design prevents

drivers from entering the wrong way. Commissioner Johnson asked if it was possible to have such a design for the proposed project.

Mr. Fick stated that the main issue with that design was that it would prevent fueling trucks from entering and exiting the site in the most efficient manner. Mr. Fick continued by saying that directional signage and knowledge of the site will help to direct traffic in an efficient manner.

Chairman Kaskanian asked where the fuel tanks would be located.

Mr. Fick stated that the fueling areas would be located on the northeast portion of the site.

Chairman Kaskanian asked the environmental consultant to come forward.

Ross Gellar, Applied Planning, Inc., 5817 Pine Avenue, Suite A, Chino Hills, California 91709, explained that he and his company helped to create the environmental document. Mr. Gellar went on to explain that the noise studies from the Sam's Club Expansion showed a 45 dba from the truck loading bays to the nearest residential building 94 feet away. Mr. Gellar continued by stating that the new truck loading areas for the proposed use would be approximately 170 feet from the nearest residential building. Mr. Gellar stated it can be assumed that because the proposed use is further from the existing residential properties, a reduced dba would be expected. Mr. Gellar concluded that there would be no need for noise mitigation for trucks approaching the property because the existing sound wall and existing distance to sensitive receptors would be below the City's maximum noise allowances.

Chairman Kaskanian asked to restate the maximum allowable dba per City standards.

Mr. Gellar stated that the highest allowable dba during day and night hours was 60 dba and 50 dba respectively.

Chairman Kaskanian asked what the expected dba was for the proposed project.

Mr. Gellar responded less than 45 dba was expected for the proposed project.

Chairman Kaskanian stated he was concerned that additional noise would harm resident's quality of life.

Ms. Kranitz asked the applicant if the fuel trucks were only coming in off of Artesia Boulevard as to reduce impacts on residential uses.

Mr. Fick responded that fuel trucks would only access the site from Artesia Boulevard.

Mr. Gellar stated that the route of fuel trucks is shown on the submitted site plan.

Chairman Kaskanian opened the public hearing.

Cheral Sherman, 1104 West 159th Street, Gardena, California 90247, stated that she was at the original hearing for the proposed use in 2014 and was very aware of community opposition to the project. Mrs. Sherman stated that she spoke with the Planning Department to see the plans for the proposed project. Mrs. Sherman continued by stating that the Planning Department told her that all items would be looked at and taken care of and that all governmental agencies would take care of problems as they were encountered. Mrs. Sherman stated that she wrote a letter to the City, on behalf of the Board of the Friends of the Gardena Willows, stating that the main concern of the Organization was a fuel spill that would negatively affect the Preserve. Mrs. Sherman stated that the Friends of the Gardena Willows was never against the project and simply wanted to make sure that there was no possibility of this project negatively affecting the

Preserve. Mrs. Sherman stated that upon further review of the project she came across more unanswered questions. Mrs. Sherman stated that she was contacted by the Sam's Club Real Estate Department to meet on the project site to discuss applicable concerns. Mrs. Sherman stated that her persistence led Sam's Club to redesign their project to assure there would be no possibility of a spill affecting the Preserve. Mrs. Sherman continued by stating the matter is very important because the Preserve is a wetland that eventually empties into the Pacific Ocean. Mrs. Sherman concluded by stating that, on behalf of the Board of the Friends of Gardena Willows, she was very thankful to the Sam's Club team for redesigning the project to protect the Preserve and the people of Gardena. Mrs. Sherman added one final thought that issues with future projects need to have all details discussed and finalized up front.

Steven Furukawa, 17128 South Raymond Place, Gardena, California 90247, began by stating that he was one of the only residents at the hearing that lived within 300 feet of the project. Mr. Furukawa also stated that the senior citizens were also probably notified by only receiving one notice to their front counter. Mr. Furukawa continued by stating that he is a lifelong member of the community and was concerned about noise, light, and the failed sound wall. Mr. Furukawa explained that from his patio he could measure sound and found an 80 dba reading. Mr. Furukawa stated that this high dba measure was due to the placement of his home at a higher elevation than the subject property. Mr. Furukawa continued by stating that he received lower readings when trees blocked his property from the subject property. Mr. Furukawa stated that the main reason he was at the hearing was his family and his concerns for his children's respiratory issues. Mr. Furukawa explained that he and his family installed a state-of-the-art air conditioning system in their home to assist with his children's respiratory issues but that no cure exists for their asthma. Mr. Furukawa was concerned that the gas station would introduce harmful chemicals into the air that could not be removed by his home air conditioning system. Mr. Furukawa stated that users of Arthur Lee Johnson Park and the residents of South Park Senior Housing would be negatively affected by the air quality impacts of this project. Mr. Furukawa also stated that lighting would negatively affect adjacent residences because the wall did not have enough opaque material to shield residents from light pollution. Mr. Furukawa stated that this light would negatively affect surrounding residents and that his own family had to buy black out curtains for their home. Mr. Furukawa was also concerned about noise and stated that his family cannot open their windows because of noise from the Sam's Club property. Mr. Furukawa concluded by stating his hopes that the Planning and Environmental Quality Commission would reconsider their stance on the project.

Chairman Kaskanian closed the public hearing.

Commissioner Jackson asked if it was possible to add trees along the rear wall of the Sam's Club property to absorb airborne toxins and provide a natural sound barrier.

Mr. Barragan said that tree planting was something that could be discussed for placement along the northern and eastern project perimeters.

Chairman Kaskanian sympathized with Mr. Furukawa's concerns and asked if the direction of the wind had been considered as part of the environmental assessment.

Ms. Kranitz stated that the Environmental Consultant would be the best person to answer questions about wind direction.

Chairman Kaskanian reopened the public hearing.

Mr. Geller stated that the environmental document shows vapor capture systems, as regulated by the South Coast Air Quality Management District, and will be utilized at the proposed project to capture and clean the vapor before any such vapor is introduced off-site. Mr. Geller stated that a Health Risk Assessment was also conducted for the project to assess the surrounding uses and cancer risk. Mr. Geller stated that the South Coast Air Quality Management District sets a significant impact threshold for cancer risk at ten per million. Mr. Geller stated that the studies conducted for the proposed project showed a cancer risk of eight per million, thus below the threshold and considered less than significant.

Chairman Kaskanian questioned the effects of a potential gasoline spill.

Mr. Geller stated that automatic shut-off systems would recognize a spill and stop all operations. Mr. Geller stated that the project site has also been designed so that any spill underneath the station canopy would be contained underneath the canopy and the operator would need to shut down operations and remove any spillage from site. Mr. Geller stated that the project, as currently designed, would keep any spillage on site and away from the Gardena Willows Westland Preserve.

Commissioner Johnson asked what would be the best height for the perimeter wall.

Mr. Geller stated that the effectiveness of a sound barrier is based on the ability to block the sound receptor from the sound emitter. Mr. Geller stated that creating a solid wall between the two points is the best option to prevent noise pollution. Mr. Geller stated that even if noise is an issue, studies show any expected noise is within City standards.

Chairman Kaskanian stated that he hoped the consultant's words had addressed Mr. Furukawa's concerns and that Mr. Furukawa should speak to the consultant if he had any additional issues.

Chairman Kaskanian closed the public hearing.

Ms. Kranitz stated the Planning and Environmental Quality Commission should consider condition PL4 be amended with the additional language that deliveries to the gas station should be limited from 7:00 AM to 10:00 PM and to only take access from Artesia Boulevard and consider a new condition PL6 for additional directional signage to guide cars to the exit. Ms. Kranitz questioned if the Planning and Environmental Quality Commission wanted to add any conditions related to additional trees.

MOTION: It was moved by Commissioner Jackson and seconded by Commissioner Sherman to adopt Resolution No. PC 16-16 adopting the Mitigated Negative Declaration and Mitigation Monitoring Program #9-14 and approving Site Plan Review #6-14 and Conditional Use Permit #4-14 subject to attached conditions of approval and amendments (Exhibit A) and directing staff to file a notice of determination.

The motion passed by the following roll call vote:

Ayes:	Jackson, Sherman, Johnson, Kaskanian
Noes:	None
Absent:	Jamora

ORAL COMMUNICATIONS FROM THE PUBLIC

Chairman Kaskanian called for oral communications from the public. No member of the public came forward to speak.

COMMUNITY DEVELOPMENT DIRECTOR'S REPORT

City Manager Mitchell G. Lansdell stated that Proposition 64, to legalize recreation marijuana, was passed by citizens of the State of California. Mr. Lansdell stated that on the December 13th City Council Agenda, staff will be asking City Council to adopt a 45-day urgency moratorium on marijuana uses until such a time in the future when it can be adequately studied. The State will begin issuing licenses in 2018. The City cannot regulate the growth of up to six plants for personal use within one's own home. Mr. Lansdell stated that the moratorium must be adopted unanimously by a four-member council.

Commissioner Sherman asked if the City already had prohibition on Marijuana uses.

Ms. Kranitz stated that the current prohibition bans medical marijuana and not recreational marijuana.

Commissioner Johnson asked about the ability to tax recreational marijuana to the City's benefit.

Ms. Kranitz stated that recreational marijuana businesses would be subject to State and business license taxes but could be subject to additional City taxes by a vote of the people.

Mr. Lansdell stated that while the prospects of taxing recreational marijuana may sound tempting, collecting of tax dollars from an all cash business may not be as easy as predicted. Mr. Lansdell concluded by stating that the City should see how this experiment plays out and examine the possibility of using this business type for the betterment of the community.

Chairman Kaskanian asked if Ramona's Restaurant on Artesia Boulevard was opening soon.

Mr. Barragan responded that the Ramona's Restaurant will not be opening on Artesia Boulevard.

PLANNING AND ENVIRONMENTAL QUALITY COMMISSION REPORTS

Commissioner Johnson asked what was being done to the Chase Bank at Rosecrans and Purche Avenue.

Mr. Kavadas responded that the applicant has requested a demolition permit but no project has been presented to the City for review.

Commissioner Jackson questioned the existence of the new sandwich shop at the corner of Van Ness Avenue and West 139th Street.

Mr. Barragan stated the Community Development Department would ensure the new store received all the necessary City licenses.

Commissioner Jackson suggested that Cheral Sherman contact the owner of the Best Western at Western and Rosecrans Avenue to discuss improving their landscaping.

Mr. Barragan stated that the hotel owner is currently updating his landscaping designs and Mrs. Sherman's contact would be passed along.

Commissioner Jackson concluded by stating that the landscaping at Bebe Plaza has been updated beautifully.

ADJOURNMENT

Chairman Kaskanian adjourned the meeting at 8:30 P.M.

Respectfully submitted,



MITCHELL G. LANSDELL

City Manager



HAROUT KASKANIAN, CHAIRMAN

Planning and Environmental Quality Commission