Approved as submitted
March 3, 2014

PLANNING COMMISSION — MINUTES

Monday, February 3, 2014

A regular meeting of the Planning Commission was called to order by Chairperson Elisaldez at 6:00 p.m., in the City Hall Council Chambers, 6615 Passons Boulevard, Pico Rivera, CA.

STAFF PRESENT:
Ben Martinez, Director
Guille Aguilar, Senior Planner
Christina Gallagher, Assistant Planner
John Lam, City Attorney

ROLL CALL:

PRESENT: Commissioners Celiz, Elisaldez, Garcia, Gomez, Zermeno

ABSENT: None.

FLAG SALUTE: Led by Commissioner Gomez

COMMISSION REORGANIZATION:

At this time Chairperson Elisaldez turned meeting over to Community and Economic Development Director Martinez to hold election. Director Martinez asked if there were any nominations for chair. Commissioner Celiz nominated Commissioner Garcia, and the nomination was seconded by Commissioner Zermeno.

City Attorney Lam asked if there were any other nominations. Seeing as there were no other nominations were given, the nomination was voted on by a roll call vote:

AYES:	Celiz, Elisaldez, Garcia, Gomez, Zermeno
NOES:	None
ABSTAIN:	None
ABSENT:	None

City Attorney John Lam congratulated the new Chairperson, Ruben Garcia. At this time, nominations for vice chair were opened. Commissioner Zermeno nominated Commissioner Celiz, and the nomination was seconded by Commissioner Elisaldez.

City Attorney Lam asked if there were any other nominations. Seeing as there were no other nominations were given, the nomination was voted on by a roll call vote:

AYES:	Celiz, Elisaldez, Garcia, Gomez, Zermeno
NOES:	None
ABSTAIN:	None
ABSENT:	None

Chairperson Garcia thanked Commissioner Elisaldez for his work as Chairperson.

APPROVAL OF MINUTES:

January 21, 2014

Motion to approve the minutes was made by Commissioner Martinez and seconded by Commissioner Celiz:

AYES:	Celiz, Elisaldez, Garcia, Zermeno
NOES:	None
ABSTAIN:	Gomez
ABSENT:	None

PUBLIC HEARING:

a.) PUBLIC HEARING – TENTATIVE PARCEL MAP NO. 72404 – A REQUEST TO SUBDIVIDE A THREE (3) ACRE PARCEL INTO TWO (2) PARCELS, FOR THE CONSTRUCTION OF TWO (2) NEW INDUSTRIAL DEVELOPMENTS, AT 8800 SLAUSON AVENUE LOCATED IN THE GENERAL INDUSTRIAL (I-G) ZONED DISTRICT

Assistant Planner Christina Gallagher presented the staff report with a powerpoint presentation. The applicant is requesting to subdivide a three acre lot within an industrial zone and develop two concrete tilt-up buildings on each parcel. She provided a brief description of the location of the property and surrounding land uses. Prior to August 2012, there was an existing manufacturing, warehousing, and distribution of bakery products business. The site is currently vacant.

Assistant Planner Gallagher stated that a Mitigated Negative Declaration was prepared with a Mitigation Monitoring Program that contains mitigation measures that the applicant must follow. She explained that a notice was published advertising the project and there were no comments received.

The first parcel will be 55,597 square feet and the second will have 75,000 square feet. There will be several easements and a covenant to maintain one common driveway. The first parcel will maintain the main address of 8800 Slauson Avenue and will have a total floor area of 30,706 square feet with 39 off-street parking stalls provided. She stated that the second parcel will have the address of 7880 Crossway Drive. The building size will be 45,000 square feet with a total of 48 off-street parking stalls. A document storage company will occupy this site.

She proceeded to provide an architectural description and stated that the building on Slauson Avenue will be up to 35 feet high and the second buildng on Crossway Drive will be up to 48 feet high.

The traffic impact report utilized the land use with the highest trip generation rate per Institute of Transportation Engineers (ITE), evaluating the worst case scenario. The traffic report concluded that there would not be a significant impact to the area. If a future land use is proposed that creates a significant impact to traffic, the recommended off-site street improvements stated within the traffic impact report will be required to be implemented. A noise study was also prepared utilizing the permitted land use with the potential to generate the loudest noise. The noise study concluded that there would not be any significant impact.

Assistant Planner Gallagher stated that the General Plan goals encourages development that provide job opportunities, and staff determined that the project meets this goal. She recommended that the Planning Commission approve the project.

Commissioner Elisaldez asked to clarify a few points.

Assistant Planner Gallagher clarified that if the use of the zone is changed, traffic improvements will need to be made, which are listed in the traffic impact report.

Commissioner Elisaldez asked about job opportunities.

Assistant Planner Gallagher stated that since it is a new business in the City, there may be an opportunity for jobs within the City.

Director Martinez added that staff will speak to project developer and representatives of the business and encourage local hiring of the residents.

Chairperson Garcia had a concern with the dilapidated fenced area, and what would be put in place of this.

Assistant Planner Gallagher stated that landscaping will be put in and that trees have been required as a condition of approval to be installed along Slauson Avenue. The driveway east of the property will have a gate, as well as along Crossway Drive.

There being no further discussion, it was motioned to open the public hearing by Commissioner Elisaldez, seconded by Commissioner Zermeno.

Motioned carried by the following roll call vote:

AYES:	Commissioners Celiz, Elisaldez, Garcia, Gomez, Zermeno
NOES:	None
ABSTAIN:	None
ABSENT:	None

The public hearing was opened and Richard Lucas, with CEG Construction , the developers of this project and owners, as well as the owners of the building across the street. The developers put in street improvements on Crossway Drive when they took ownership of the building about 16 years ago. This project will improve the blighted building that currently exists. They are also very concerned with the tenants of the building, seeing as they will be directly across from their location.

Chairperson Garcia asked what kind of street improvements were going to be done.

Mr. Lucas responded that the conditions of approval require a new radius, new handicap ramp on the corner, new curb gutter sidewalk around the perimeter.

Commissioner Gomez asked if there was a study done on splitting the site into two sites.

Mr. Lucas responded that due to the cost of land, it would be difficult to make a single building work. The second building will be leased to only one tenant.

Chairperson Garcia asked if the applicant has read all the mitigation reports and conditions and if they were willing to accept all.

Mr. Lucas responded that they have.

Chairperson Garcia asked if there were any other members of the public who would like to speak on this and there were none.

It was then motioned to close the public hearing by Commissioner Elisaldez, seconded by Commissioner Zermeno.

Motioned carried by the following roll call vote:

AYES:	Commissioners Celiz, Elisaldez, Garcia, Gomez, Zermeno
NOES:	None
ABSTAIN:	None
ABSENT:	None

It was then motioned by Commissioner Elisaldez to adopt the public hearing, seconded by Commissioner Celiz.

Motioned carried by the following roll call vote:

AYES:	Commissioners Celiz, Elisaldez, Garcia, Gomez, Zermeno
NOES:	None
ABSTAIN:	None
ABSENT:	None

b.) PUBLIC HEARING - MAJOR VARIANCE NO. 184 FOR A VARIANCE TO INCREASE THE HEIGHT OF AN EXISTING BLOCKWALL OF VARIABLE HEIGHTS TO A MAXIMUM HEIGHT OF 9'-4" ALONG THE ENTIRE WESTERLY PROPERTY LINE TO PROVIDE NOISE ATTENUATION FOR THE PROPERTY AT 4700-4972 GREGG ROAD IN THE GENERAL INDUSTRIAL (I-G) ZONED DISTRICT

Senior Planner Guille Aguilar presented the staff report with a powerpoint presentation. Senior Planner Aguilar stated that there has been an existing industrial building at the industrial location for several years and is currently vacant. She stated that the applicant is requesting a variance to raise the height of an existing block wall to 9' 4" between the 196,000 square foot building and residential homes. The increase in height will buffer noise below the City standards to allow for the operation of a business that will operate 24 hour business, 7 days a week. The applicant intends to utilize half of the building.

This business, Sunrise Produce, is currently located in the City of Commerce and has been in operation for 20 years and generates $46 million in sales each year. Senior Planner Aguilar explained that the business is looking for a building that would allow them to expand their business operations. The business distributes produce to hospitals, school districts and restaurants within California. They will have 20

outbound vehicle trips per day. The business will involve the packing, loading and distributing of trucks in the early morning and evening hours.

The General Plan allows noise levels between 60-65 decibels. If noise levels are exceeded, a business cannot operate between 6 p.m. to 7 a.m., unless there is appropriate mitigation. A noise study was prepared at the existing location in the City of Commerce and ambient noise levels were taken at the proposed location. The noise study determined that the highest estimated hourly noise level to occur at the site would be 64.1 dBA, which is 4.1 dBA above the 60 dBA limit for residential properties. She stated that this would be a negligible noise increase. The noise study recommended the block wall be raised to 9' to reduce the noise to an acceptable level below the 60 dBA. Several other noise mitigation measures are included in the conditions of approval including a limit to truck idling times, restricting loading activities to within loading docks only, prohibiting truck activities near the westerly property line and the implementation of 'quiet hours' which includes prohibiting the use of horns or intercom systems between the hours of 10 p.m. and 7 a.m. Staff is also requiring the installation of new landscaping, paint and irrigation on the side of the block wall facing the business. The applicant must also offer the installation of vines on the portion of the two residents which will have the block wall to improve the look on their end.

A notice of public hearing was sent to residents within the area of this business, and no comments or concerns were received from anyone in regards to this variance.

Commissioner Celiz asked if there were only two residents on the residential side of the business, and if there were going to be any trees there.

Senior Planner Aguilar responded that on the business side, mature trees of at least 6 feet in height will be required for the noise mitigation. The resident's side may have vines if the property owners desire to have them installed.

Commissioner Zermeno asked if there was a way to put trees on both sides of the wall.

Director Martinez suggested that staff may be able to speak with the property owner to look into possibly adding shrubs as well as vines, but that trees may not be desired by the residents due to maintenance and personal preference.

Commissioner Elisaldez suggested to possibly add stucco to the wall. Commissioner Elisaldez asked if the railroad and the freeway were part of the study.

Senior Planner Aguilar responded that the railroad and freeway were part of the noise study. Barking dogs and passing cars were omitted from the study.

Commissioner Celiz had a concern with taggers getting to the block wall.

Senior Planner Aguilar responded that the optional installation of vines will address potential graffiti problems.

Chairperson Garcia asked if there was any history of tagging on the existing wall.

Director Martinez responded that staff would need to look into any history of the tagging.

City Attorney John Lam mentioned that the Commission may want to figure out the mitigation measures to the residential side of the block wall. If the Commission narrows this down, the applicant may be able to go to the resident and get their input.

Commissioner Gomez asked if the two residents were notified that the purpose of building the block wall was due to a 24 hour facility moving in.

Senior Planner Aguilar stated that the notice specified that this variance is to address noise mitigation for use of the property. It did not specify the hours or who is moving in. The notice was mailed to everyone within 300 feet of the property and the City did not receive any feedback from residents.

Commissioner Gomez is concerned that the residents were not notified of a 24 hour business being moved in.

City Attorney Lam responded that our existing code currently allows 24 hour operations by-right; the variance application is not to approve the tenant. The variance is only for the height of the wall.

Commissioner Zermeno asked if the train runs 24 hours a day.

Senior Planner Aguilar responded that it does run 24 hours a day.

Commissioner Garcia had a question regarding the noise levels on the trucks, including the back-up alarm. Commissioner Garcia stated staff may need to do more outreach work with the residents.

There being no further questions, it was motioned by Commissioner Elisaldez, seconded by Commissioner Zermeno to open the public hearing.

Scott Fraser, America West properties, was representing the building owners, answered some of the aesthetic questions on the residential side of the block wall. Mr. Fraser responded that they are looking to put in Acacia trees. Mr. Fraser also responded that there has been some graffiti on the walls, mainly the area of the wall near the railroad. As soon as the owners are informed, the painter goes out and covers up the tagging. There have been no noise issues in the past 20 years at the location.

Commissioner Elisaldez asked how close the current location of Sunrise Produce is to residents.

Jim Proulx, the Vice President of Operations and partner of Sunrise Produce, took the podium to answer the Commission's questions. Mr. Proulx responded that immediately across the street is a residential area similar to the proposed Pico Rivera location. The distance is probably less than 150 feet.

Commissioner Elisaldez asked if there has been a noise issue within the area.

Jim Proulx responded that there have been no issues and most of the residents work at the facility. They have about 260 employees and they foresee about 180 employees moving with the facility. They are looking to hire new employees within the local area.

Mr. Proulx stated they are hoping to gate the entire building. Mr. Proulx also mentioned they are looking to refrigerate about 5 of the 12 loading docks. They will be expanding to 14 loading docks.

Commissioner Zermeno asked if Sunrise had their own trucks.

Mr. Proulx answered that the trucks were all serviced leased vehicles less than 3 years old. Four Class A vehicles are currently being used.

There being no further discussion, it was motioned to close the public hearing by Commissioner Elisaldez, seconded by Commissioner Celiz.

Motioned carried by the following roll call vote:

AYES:	Commissioners Celiz, Elisaldez, Garcia, Gomez, Zermeno
NOES:	None
ABSTAIN:	None
ABSENT:	None

It was then motioned to adopt resolution approving Major Variance No. 184 subject to

conditions of approval by Commissioner Elisaldez, seconded by Commissioner Celiz.

Motioned carried by the following roll call vote:

AYES:	Commissioners Celiz, Elisaldez, Garcia, Gomez, Zermeno
NOES:	None
ABSTAIN:	None
ABSENT:	None

Director Martinez stated that staff has spent a lot of time working with management of Sunrise Produce and they are looking to expand and increase job opportunities. Director Martinez commented that staff is looking forward to welcoming this company to our City and management has been wonderful to work with.

PUBLIC COMMENTS – NON-AGENDA ITEMS

Commissioner Elisaldez thanked staff for all their hard work and anticipation of the Planning Commissioners concerns and thorough research done by staff.

NEW BUSINESS: None to repot.

CONTINUED/OLD BUSINESS: None to report.

PLANNING COMMISSION REPORTS: None to report.

There being no further business the Planning Commission meeting was adjourned at 7:14 p.m.

Ruben L. Garcia, Chairperson

ATTEST:

Benjamin A. Martinez, Secretary
Planning Commission
Director of Community and Economic Development