

**MINUTES OF THE REGULAR MEETING OF THE
PLANNING COMMISSION OF THE CITY OF BELL GARDENS
7100 GARFIELD AVENUE, BELL GARDENS, CA 90201**

Wednesday, April 19, 2017

CALL TO ORDER

The meeting was called to order in City Hall Council Chambers by Vice-Chairperson Rivera at 6:02 p.m.

INVOCATION & PLEDGE OF ALLEGIANCE

Associate Planner, Hailes H. Soto gave the invocation.

City Planner, Carmen Morales led the Pledge of Allegiance.

ROLL CALL

Present: Commissioner Hernandez, Commissioner Carrillo, Commissioner Leon and Vice-Chairperson Rivera

Absent: None

Staff Present: John W. Lam, Assistant City Attorney, Carmen H. Morales, City Planner, Hailes H. Soto, Associate Planner, Erika Gutierrez, Planning Secretary and Samantha Lubrani, Translator

APPROVAL OF MINUTES

Vice-Chairperson Rivera asked for a motion on the minutes of November 16, 2016. A motion was made by Commissioner Carrillo and seconded by Commissioner Hernandez to approve the minutes of November 16, 2016. Motion carried by a vote of 3-0.

PUBLIC COMMENT

With no one wishing to speak, Vice Chairperson- Rivera closed public comment.

PUBLIC HEARING

A. Planning Commission

- 1. Conditional Use Permit No. 2017-017
Chevron Gas Station
5703 Gage Avenue (File No. 2017-017)**

Mr. Soto gave a presentation on Conditional Use Permit No. 2017-017.

Vice-Chairperson Rivera asked the Commission if there were any comments for staff on the Public Hearing Item.

Commissioner Leon had a question regarding the hours of operation for Chronic Tacos Restaurant at this location. Commissioner Leon stated that based on the research that he did, other franchise locations nationwide close between 9:00 p.m. and 10:00 p.m., and wanted to know why this location was proposing to close at 11:00 p.m.

Ms. Morales recommended asking this question to the applicant once the public hearing opened. Ms. Morales stated that the Chevron ExtraMile would be open 24 hours, seven days a week. Ms. Morales further stated that the proposed hours of operation for Chronic Taco Restaurant would be from 9:00 a.m. – 11:00 p.m.

Commissioner Leon stated that the question came about due to the fact that this is the first type of business with a combination of a gas station and restaurant in the City of Bell Gardens.

Vice-Chairperson Rivera asked staff if there were any conditions in place pertaining to the block walls on the east side of the property line next to the residential properties of the subject site for the purpose of noise. Mr. Soto stated that condition No. 66 of Resolution #PC 2017-01 will require the applicant to submit fencing plans as stated on the plans. Mr. Soto further stated that the plans show a new 6'-0" foot high block wall with a 2'-0" feet of additional wrought iron would be installed, in addition to a new landscaping planter along the east property line. Mr. Soto further stated that on the east side of the property, there is currently a 6'-0" foot block wall with a 3' foot separation from the building and the block wall to help deter the noise level.

Vice-Chairperson Rivera asked staff if the existing wall could be modified to an 8'-0" solid grouted masonry wall to help deter the noise level of the trucks that will be in and out of the subject site.

Mr. John Lam, Assistant City Attorney stated that the Municipal Code does allow the Planning Commission to modify the wall height requirement which in this case could be allowed to a total of 8'-0" high.

Ms. Morales stated Vice-Chairperson's Rivera's concern which was the fact that the existing diesel pumps that exist at the gas station are 50' from property line, and stated that the plans for the proposed project shows that the diesel pumps will be located 15' feet away from property line. Vice-Chairperson Rivera stated because the location of the diesel pumps will be closer to the adjacent residential property, he's asking staff if the existing block wall condition could be modified.

Mr. Lam advised Vice-Chairperson Rivera that a motion could be made to amend that particular condition.

Mr. Lam asked the Commission if there were any comments regarding Vice-Chairperson Rivera's request to raise the proposed block wall to 8'-0."

Commissioner Hernandez stated raising the block wall would be more effective for the adjacent neighbors to reduce the noise level, as well as for security purposes.

With no additional questions from the Commission, Vice-Chairperson Rivera opened the public hearing.

Mr. Robert Webb, business owner approached the podium and gave a brief description on the proposed project and stated that staff that are hired to run this business are Bell Garden High School students as well as Bell Gardens residents. Mr. Webb further stated that the Chronic Taco that is being proposed is going to enhance the gas station with high end quality food and stated that their focus is to maintain a nice, safe and well-lit environment for customers that come into the gas station.

Mr. Richard Webb, business owner approached the podium giving a brief description about the Compressed Natural Gas (CNG) and Ethanol fuel blend (E85) product that would be available in addition to gas and diesel fuel. Mr. Webb then stated that the proposed hours of operation for Chronic Taco is due to the fact that they serve breakfast and would want to make it convenient for customers who are fueling up gas to also get something to eat. Lastly, Mr. Webb stated that the existing block wall on the Pronto Lube building located on the east side of the property is higher than 15' feet and is a solid block wall. Mr. Webb stated it would be very costly to tear down that block wall and built a new one.

Mr. Matthew Webb, business owner also approached the podium and gave a brief description about the operation of the business and stated that there is always one of the owners on-site. Mr. Webb stated the entire site will be renovated which will draw more business to the City. He also stated that they are looking into bringing alternative fueling systems to the station in the near future. Mr. Webb further stated that a thorough traffic count was conducted and stated that by adding the additional fuel pumps, it will alleviate traffic due to the several options that will be available for customers to pump gasoline.

Mr. Randy Wyner, founder of Chronic Taco approached the podium stating that they have over 40 locations in the United States and Canada. Mr. Wyner stated Chronic Taco is being referred as the fast casual type of restaurant which serves natural good quality foods. Mr. Wyner stated different stores have different hours of operation, some open at 7:00 a.m. while other locations close at midnight. Mr. Wyner suggested that because truck traffic would be coming to pump gas at this location, opening earlier, 6:00 a.m. or 7:00 a.m. and closing at 9:00 p.m. would be beneficial but these hours could be changed per the operator's request.

Mr. Bill Mitchel on behalf of VNG (Vehicle Natural Gas) approached the podium giving a brief background about the CNG (Compressed Natural Gas) fueling systems. Mr. Mitchel stated that there are many CNG vehicles in the market with California having the highest number of CNG facilities in the United States and explained how the fueling system works.

Vice-Chairperson Rivera asked how many compressors are being installed throughout the United States. Mr. Mitchel said there are roughly about 1,000 fueling facilities.

Vice-Chairperson Rivera asked Mr. Mitchel how safe these types of fueling systems were and if any explosive accidents have occurred in the past. Mr. Mitchel stated these fueling systems are one of the safest computerized systems that have pressure valves that will stop the machines if it detects any type of problem.

Mr. Kissondath Singh, retail business consultant representative of Chevron ExtraMile approached the podium giving a brief description about the franchise, Chevron ExtraMile. Mr. Singh stated it's a clean operation that requires a 5 day franchise training program that entails the safety of staff, customers and the overall franchise itself. Mr. Singh indicated that he is very excited to have this store location.

Ms. Helen Shi, Senior Traffic Engineer on behalf of Crain and Associates approached the podium stating that the proposed project will not have any significant traffic impacts.

Vice-Chairperson Rivera asked Ms. Shi if calculations were done to determine how many vehicles would come in and out of the project site going eastbound. Ms. Shi explained that in the traffic report there are distribution graphics that were done but are solely based on experience. Ms. Shi stated the project distributions were determined by how many customers were coming eastbound, west bound as well as from the freeway access.

Vice-Chairperson Rivera asked Ms. Shi if the traffic counts were conducted by history instead of monitoring the traffic at certain times of the month. Ms. Shi stated traffic counts were monitored and were included as part of the report which were conducted during the peak hours.

Vice-Chairperson Rivera asked Ms. Shi for clarification on the peak hours as indicated in the traffic report. Ms. Shi stated that the reason that the peak hours are a concern is that it's a requirement by the County as well as different cities to analyze the peak hour traffic.

Commissioner Leon asked Ms. Shi if the nearby school was taken into consideration when this traffic study was done. Ms. Shi stated that the traffic counts are always done when schools are in session.

Mr. Richard Webb approached the podium requesting that the planter on the south side of Eastern Avenue be removed to allow better access for trailers to get out onto Eastern Avenue.

Mr. Webb further went on stating that they would like to have the Chronic Tacos Restaurant to open at 6:00 a.m. and close at 11:00 p.m.

Mr. Mark Kunze on behalf of Southwest Contracting Inc. approached the podium stating that in terms of the existing block wall at the subject site, the applicant would work closely with the Building department and have the inspector come out and inspect the wall once it is demolished. At that point, the inspector could verify the footings, the integrity of the wall and check if it is structurally sound.

Vice-Chairperson Rivera asked staff what could be done to ensure that the applicant builds an 8'-0" solid grouted masonry wall.

Mr. Lam stated that a condition could be drafted which would authorize two options: 1) modify the existing building wall as long as it complies with the current California Uniform Building Code and the Bell Gardens Municipal Code, if the wall does not comply, the applicant will then be required to build a new 8'-0" solid grouted masonry wall.

Ms. Morales discussed the concern that the Community Development Department would have if the existing block wall was to remain in terms of making sure the wall looks aesthetically pleasing, as well as it being structurally sound which would be determined by the structural engineer.

Ms. Morales stated that condition No. 66 would be modified by adding language to the beginning of the condition to make it more flexible.

Mr. Soto stated that the proposed modification to condition No. 66 shall read:

"The Applicant shall have the option to either: 1) modify the existing building wall to 8'-0" high with stucco finish on both sides so long as it complies with the California Uniform Building Code and the Bell Gardens Municipal Code; or 2) construct a new 8'-0" high double sided split face block wall. Mr. Soto further stated that with either option, the 8'-0" block wall shall be a solid grouted masonry wall, and the rest of the condition will remain as is."

Mr. Mathew Webb approached the podium requesting that condition No. 59 be modified to allow water dispensing machines and propane rental tanks which would be a standard requirement for ExtraMile. Mr. Webb further stated that the vending machine language could be deleted.

Vice-Chairperson Rivera stated for future reference it shall be noted in the proposed set of plans submitted to the City shall indicate the type of equipment that would be in placed in the exterior of the building.

Ms. Morales advised the Commission that the site plan that was submitted did not show the location of any type of machines to be placed on the exterior of the building.

Mr. Michael Burke, architect for the project approached the podium to clarify the location of the propane tanks on-site and stated that would be noted on the plans.

Ms. Morales stated that the language on condition No. 59 would be modified as requested by the applicant.

Vice-Chairperson Rivera brought up a concern to Mr. Ryan Kim representing Infrastructure Engineers. Vice-Chairperson Rivera stated his concern was in reference to vehicles coming into the subject site eastbound on Gage Avenue making a left onto the gas station. Mr. Rivera asked Mr. Kim if that would cause a traffic jam. Mr. Kim stated that the City's main priority is to promote safety and stated that candlestick delineators could be installed to prevent customers from making that illegal left turn.

Vice-Chairperson Rivera asked staff if this condition could impose on the applicant to require the installation of the delineators. Mr. Lam stated there is a process to have the delineators installed which could be done at a later date.

Mr. Lam indicated that in that intersection, there are two sets of double yellow lines separated by two feet which is treated as a barrier. Therefore, making that turn would be considered illegal. Mr. Lam further stated that Ms. Morales had confirmed this information with the Police Department and was also advised that this would be considered an illegal left turn.

Mr. Lam stated it could be at the City's discretion to install the delineators at any time based on the need, it is just a question of whether the City would require the applicant to incur the cost for the installation now or install the delineators at a later time at the City's expense.

Ms. Morales further stated that after speaking with the Public Works Director, the process for the installation of the delineators is simple only requiring a recommendation from the traffic engineer to the Public Works Department.

Ms. Helen Shi approached the podium stating that after reading through the staff report under Traffic, Parking and Circulation, she was concerned with the 11'-2" width reduction of the existing driveway on Eastern Avenue, representing a width reduction from 40-feet wide to 28'-10." Ms. Shi stated that her concern is making a right turn from the alley to Eastern Avenue which will not accommodate trucks going in and out of the site presenting a safety concern. Ms. Shi recommended widening the driveway to allow a better flow of traffic.

Ms. Morales requested a recess to allow Staff and the City Attorney to discuss the amended conditions, as well as Ms. Shi's concern with the reduction of the driveway width.

Vice-Chairperson Rivera resumed the meeting at 8:35 p.m. and asked if anyone else wish to speak on the Public Hearing Item.

Hearing no one wishing to speak on the matter, Vice-Chairperson Rivera closed the public hearing.

Mr. Lam went over the proposed amended conditions. Mr. Lam stated the first condition was No. 13 pertaining to business hours. The hours of operation would be Monday- Sunday from 6:00 a.m. – 11:00 p.m.

Ms. Morales stated the amendment to condition No. 59 would be amended to read:

“The location of water dispensing machines, ice freezers and propane rental tanks located outside the proposed building shall not obstruct any pedestrian walkways at any time. The applicant shall identify on the site plan to be submitted for Building and Safety Plan Check, the location of the equipment for review and approval by the Community Development Department.”

Mr. Lam stated that the last amendment was condition No. 66 and stated the general intent of the condition. He further indicated that staff would prepare the language to be consistent with the amendments discussed by the Planning Commission. Mr. Lam stated the amendment would authorize a flexible option of: first consider using and modifying the existing block wall provided that it conforms with the California Building Code as well as the City of Bell Gardens Municipal Code. Mr. Lam further stated that the existing block walls to the north and the south of the building shall be replaced with a new 8'-0" high solid grouted masonry wall with stucco finish on both sides, except for the front yard setback which shall be 42 inches maximum high. Mr. Lam further explained that if option 1 did not work, the second option would be to construct a new 8'-0" high double sided split face block wall along the property line.

Mr. Soto clarified the last amendment in terms of the driveway reduction. Mr. Soto stated that the driveway that is in question is located at the northwest corner of the property. The plans show that it will be reduced to 28'-10" and a discussion was made about trucks entering and leaving the site heading northbound on Eastern Avenue needing additional space to make that turn. Mr. Soto further stated that Staff is proposing that the curb that is on north side of the property, south of the alley to be reduced 4' heading south which will allow the trucks to come in and out of the site. Ms. Morales stated that the width of the driveway approach will look wider due to the 4' and stated that the existing planter will remain at its current location. Ms. Morales further stated that this change was discussed with the applicant as well as the project engineer and City Engineer during the recess and everyone felt this was a good solution to the problem.

Ms. Morales stated that Staff would recommend the Planning Commission move forward with staff's recommendation and allow staff to finalize all the details regarding the driveway width with the City Engineer.

With no further questions or comments from the Commission, Vice-Chairperson Rivera asked for a motion on the item to adopt staff's recommendation with the amendments previously discussed.

A motion was made by Commissioner Carrillo and seconded by Commissioner Hernandez to approve staff's recommendation for the approval of Conditional Use Permit No. 2017-017. Motion carried by a 4-0.

B. Substandard Properties – None

DISCUSSION ITEMS – None

STAFF INFORMATION ITEMS – None

COMMISSION INFORMATION ITEMS – None

ADJOURNMENT

Vice-Chairperson Rivera made a motion to adjourn the meeting at 8:48 p.m.

RECORDED BY:



ERIKA GUTIERREZ, PLANNING SECRETARY