

**CITY OF MANHATTAN BEACH
[DRAFT] PLANNING COMMISSION
MINUTES OF REGULAR MEETING
MAY 27, 2009**

The Regular Meeting of the Planning Commission of the City of Manhattan Beach, California, was held on the 10th day of April 22, 2009, at the hour of 6:35 p.m., in the City Council Chambers of City Hall, at 1400 Highland Avenue, in said City.

A. ROLL CALL

Present: Fasola, Lesser, Paralusz, Chairperson Seville-Jones
Absent: None
Staff Present: Richard Thompson, Community Development Director
Laurie Jester, Planning Manager
Angelica Ochoa, Assistant Planner
Recording Secretary: Sarah Boeschen

B. APPROVAL OF MINUTES – April 22, 2009

Commissioner Paralusz requested that the spelling of “Pollywog Park” be corrected to “Polliwog Park” on the first paragraph of page 13 of the April 22 minutes.

A motion was MADE and SECONDED (Lesser/Paralusz) to **APPROVE** the minutes of April 22, 2009, as amended.

AYES: Lesser, Paralusz, and Chairperson Seville-Jones
NOES: None.
ABSENT: None.
ABSTAIN: Fasola.

C. AUDIENCE PARTICIPATION

None.

Chairperson Seville-Jones welcomed new Commissioner Martha Andreani, who will sit with the Commission at their next meeting.

D. PUBLIC HEARINGS

05/27/09-2 Consideration of Use Permit to Construct a New Gas Station 24-Hour Food Mart with Beer and Wine Sales, and Self Serve Car Wash and Adoption of a Negative Declaration of Environmental Impacts at 2301 North Aviation Boulevard

Director Thompson indicated that staff feels the applicant has addressed the issues raised at the previous hearing and is recommending approval of the proposal.

Assistant Planner Ochoa summarized the staff report. She commented that staff received three e-mails from residents with concerns regarding the proposal. She said that one of the e-mails was received just before the meeting with concerns regarding the project including alcohol sales, impacts from lighting on the site; hours of operation; and traffic impacts.

Chairperson Seville-Jones indicated that **Ms. Budlong**, a neighboring resident who had sent a letter to the Commission and staff regarding the project, has provided a revised letter which corrected a typographical error.

Assistant Planner Ochoa indicated that outstanding issues after the last meeting were regarding hours of operation; beer and wine sales close to residential uses and Marine Park; signage; intensity of uses; security adjacent to the park with late hours of operation and alcohol sales; impacts regarding noise and lighting to the adjacent residents; and comparison of the hours, alcohol and location of the subject operation with other gas stations in the City. She commented that a comparison with other gas stations in the City has been included with the staff report. She indicated that the revised proposal includes a reduction of the food mart from 3800 to 3200 square feet; removal of the specialty coffee and drive-thru service; limited hours for the food mart; limited beer and wine sales; compliance with the City Sign Code; low lighting adjacent to residential uses on Marine Avenue; increased landscaping to buffer noise on Marine Avenue; and a revised noise report to include the residential uses in the City of Hawthorne to the northeast of the site. She said that the proposal includes four fueling islands with 24 hour operation; inside access to the food mart from 5:00 a.m. to 10:00 p.m. with window access only from 10:00 p.m. to 5:00 a.m.; operation of a self-serve car wash between 7:00 a.m. to 9:00 p.m. daily; and beer and wine sales from 7:00 a.m. to 10:00 p.m. She stated that the applicant has proposed to add security cameras inside and outside of the buildings on the project site.

Assistant Planner Ochoa indicated that staff received a letter from **Kate Budlong** with concerns regarding the notice of the zone change; the hours of operation; alcohol sales; noise and traffic. She commented that the zone change was approved by the City Council in December of 2003 from Industrial to General Commercial to reflect the current use of the site and encourage commercial development. She indicated that notice of the zone change was published in the

Beach Reporter and was sent to individual property owners who were impacted. She pointed out that the Police Department does not have concerns regarding the revised proposal for alcohol sales and the overall project. She indicated that the conditions of the Traffic Engineer are included in the Draft Resolution. She commented that staff met with the Parks and Recreation Department regarding park security and operating hours. She said that all games at Marine Park end at 10 pm and the park is closed at 10:15 p.m. by the staff of the Parks and Recreation Department. She indicated that any security or crime related issues are handled by the Park Services Enforcement Officer. She commented that the Parks and Recreation Department, the Traffic Engineer, and the Public Works Department are satisfied with the revised proposal and any conditions are included in the Resolution. She indicated that staff is recommending approval of the project.

In response to a question from Chairperson Seville-Jones, Assistant Planner Ochoa said that staff has proposed that access be provided to the Chevron station from Marine Park from the existing walkway and through a proposed gate with an open fence separating the sites. Currently there is no pedestrian walkway and people walk through the landscaping from the adjacent property to the subject site. She indicated that the City asked the applicant to address the issue by placing a pedestrian walkway in order to provide safe access from the Marine Park walkway and adjacent areas to the subject site.

Chairperson Seville-Jones asked whether the gate would be locked.

Commissioner Fasola said that he is concerned that the 5 feet of space that would separate the west side of the proposed building with the park would allow for trash to accumulate and would be difficult to maintain. He suggested that it would be preferable for the building to be placed adjacent to the property line.

Assistant Planner Ochoa commented that staff felt that putting landscaping with low groundcover and trees would deter people from hiding or trash from accumulating behind the building. Also, the Police Department felt that putting the building right at the property line would increase graffiti activity.

Director Thompson said that staff felt it would be preferable to allow for some type of landscaping behind the proposed building.

In response to a question from Commissioner Fasola, Assistant Planner Ochoa said that no outdoor seating would be provided or allowed.

Commissioner Lesser pointed out that the list of gas stations provided with the staff report shows that there are more restrictive limits placed on the hours of operation of other service stations located near residences. He commented that the Union 76 station located on Highland Avenue has hours of operation between 6:00 a.m. and 10:00 p.m. and the Arco station on Manhattan Beach Boulevard has hours of operation between 7:00 a.m. and 10:00 p.m.

In response to a question from Commissioner Lesser, Director Thompson said that the Commission does have the discretion to limit the hours of operation if it is felt there is an impact to residents. He stated that the subject station is buffered from residents by Marine Avenue. He commented that staff is comfortable with the hours of operation as proposed. He pointed out that there currently is not a limit to 24 hour operation for the subject station.

In response to a question from Commissioner Lesser, Director Thompson pointed out that the City is not obligated under any contract or agreement between the applicant and Chevron.

In response to a question from Commissioner Lesser, Assistant Planner Ochoa indicated that the Parks and Recreation Department did support having access to the subject site from the adjacent park walkway through a gate as proposed.

Commissioner Lesser commented that **Ms. Budlong** pointed out that the sound study was conducted during the day. He asked whether staff took into account that sound travels further at night in supporting hours of the carwash until 9:00 p.m.

Assistant Planner Ochoa indicated that the Commission does have the discretion to limit the hours of the carwash further than is proposed if they feel it is appropriate.

In response to a question from Chairperson Seville-Jones, Assistant Planner Ochoa indicated that there is a restriction of hours for deliveries of products other than fuel to the site; however, there is not a restriction on hours for deliveries of fuel. She said that the applicant has indicated that the time of fuel deliveries depends on the amount of sales.

In response to a question from Chairperson Seville-Jones, Assistant Planner Ochoa indicated that the Police Department has advised against using any landscaping that can provide an area for someone to hide. She said that lower landscaping would be used.

In response to a comment from Chairperson Seville-Jones, Director Thompson commented that the issue of glare from headlights intruding into the adjacent homes has been mitigated with the elimination of the drive-thru window.

Chairperson Seville-Jones said that headlights of cars exiting onto Marine Avenue could shine towards the adjacent residential properties.

In response to a question from Chairperson Seville-Jones, Director Thompson indicated that there is not a nexus between the project and closing the adjacent pedestrian "alley" to the residential area as was suggested by a neighboring resident.

Ahmad Ghaderi, A&S Engineering, representing the applicant, stated that the proposal has been revised based on the comments of the Commission and residents at the last hearing with

elimination of the drive-thru coffee service; with an increase in landscaping along Aviation Boulevard and Marine Avenue; and with a reduction in the hours of operation. He indicated that they are willing to work with staff with modifications to the sign to meet City requirements. He stated that the acoustical report was revised to address the residential properties to the northeast and was based on the standards of the City. He indicated that there are additional noise reduction measures for the carwash that are possible such as an additional noise reduction package for the air blower. He commented that the landscaping on the west side of the building would be difficult to maintain, and they would prefer for the building to be adjacent to the property line with the park. He suggested using the back wall of the building as a separation between the parks pedestrian walkway and the subject property and providing landscaping for the area. He said that they not have a great concern whether a gate is provided between the subject property and the adjacent park; however, it would be preferable to them for a gate not to be included if it is their responsibility to keep it locked. He indicated that they would be willing to adjust the landscaping within the parameters of the driveway as appropriate to address the glare from headlights from impacting the residents. He pointed out that they are proposing to use low level lighting along Marine Avenue rather than typical 14 foot area lights. He commented that they are not able to schedule fuel deliveries only between 7:00 a.m. and 9:00 p.m. because the deliveries are scheduled electronically based on the level of the underground tanks. He said that they are agreeable to limiting the hours for other deliveries to the site. He asked for further clarification of Condition 25 requiring the incorporation of sustainable building components. He asked whether they would be required to replace the portions of the sidewalk along the front of the property that are in good condition as referenced in Condition 40, which would be a great expense. He asked whether Condition 49 regarding the relocation of utility poles is a general condition for projects, as no poles are proposed to be moved as a result of the subject project.

Commissioner Lesser commented that he has a concern that the noise from the carwash would be loud for the children using the ball field.

Mr. Ghaderi said that the louder level of noise from traffic Aviation Boulevard will cancel the noise of the carwash. He commented that they are willing to install a noise reduction package if the noise of the carwash is an issue.

Commissioner Lesser commented that he does not have sufficient information to determine whether a noise reduction package should be included as a requirement.

Commissioner Fasola said that the only option for mitigating the noise of the carwash from the field would be to provide a wall as a barrier. He indicated that he does have a concern with the maintenance of the landscaped space between the proposed building and the park walkway, and he would prefer that it be eliminated.

Director Thompson pointed out that there is a 10-12 foot wide public walkway on the east side of the park, between the park and the gas station property, which provides access to Marine

Avenue.

Commissioner Paralusz asked whether the applicant would be willing to limit the hours of operation for the carwash to be consistent with the carwash of the Mobil station, which are 7:00 a.m. and 9:00 p.m. Monday through Friday and 8:00 a.m. to 8:00 p.m. on weekends and holidays.

In response to a question from Chairperson Seville-Jones, **Mr. Ghaderi** indicated that there are not many product sales after 10:00 p.m. He commented that security rather than product sales is the main reason for having a cashier present on the site after 10:00 p.m.

Chairperson Seville-Jones opened the public hearing.

Kate Budlong, a resident of the 1800 block of Marine Avenue, indicated that 24 hour operation would be an impact to the residents and would attract traffic during early morning hours to a neighborhood that is generally quiet at that hour. She said that the station currently does not operate 24 hours. She commented that residents of the apartment building adjacent to the carwash at the Mobil station have indicated that there is a great deal of noise from that carwash. She indicated that the noise of the carwash would be an impact to the children on the ball field. She stated that any noise mitigating equipment should be required to be installed in order for the carwash to be as quiet as possible. She stated that there is no need for the food mart to open at 5:00 a.m.; there is no need for the carwash to begin operation at 7:00 a.m.; and there is no need for liquor sales to begin at 7:00 a.m. She indicated that sufficient notice was not provided to the surrounding neighbors regarding the zone change of the subject property to General Commercial, and she asked the reason for the change without proper notification.

Ms. Budlong commented that when the ball fields were approved in 2000, the operators of the little league indicated that the games would end by 8:30 p.m. She indicated that the lights on the field are currently left on until 10:15. She said that there is a men's league which uses the field and generates a great deal of noise. She commented that there would be video cameras on the subject site; however, they would not help security of the adjacent area. She requested that the pedestrian "alley" which joins the corner of Marine Avenue and Aviation Boulevard with 23rd Street and Wendy Way not be closed, as she and many residents use it as a route on walks. She stated that she is glad that outdoor seating is not proposed as part of the project. She commented that she does not believe that the gate as proposed would provide access from the site into the park but rather to the public walkway which is located on City property. She said that visibility on the corner is a concern with landscaping on the site. She commented that issues regarding sound impacts need to be addressed before the carwash is built rather than after it is in operation. She stated that she also would be concerned regarding deliveries of fuel during early morning hours.

Director Thompson suggested adding the words "to the satisfaction of the City Engineer and Public Works Director" to Condition 40, which would allow for flexibility for replacing only

portions of the sidewalk as necessary. He commented that condition 49 does not force the applicant to relocate the utility pole but rather provides that approval is necessary in the event a pole is moved. He commented that there currently are no City requirements for LEED certification, and the language of Condition 25 is meant for the City to negotiate some of the standards with the applicant.

Mr. Ghaderi said that the project would meet the City's noise standards and would be below the ambient noise level.

Chairperson Seville-Jones closed the public hearing.

Commissioner Paralusz commented that she is generally in favor of the revised proposal. She commented that she does not feel it is relevant to compare the proposal with the Union 76 station on Highland Avenue but rather stations on arterial streets such as Aviation Boulevard, Sepulveda Boulevard, Manhattan Beach Boulevard and Rosecrans Avenue that operate 24 hours. She indicated that she is not opposed to 24 hour operation of the subject station. She commented that the beer and wine sales as proposed are consistent with the other stations, and she would support alcohol sales until 10:00 p.m. She said that she is comfortable with allowing beer and wine sales until 10:00 p.m., as the park closes at 10:00 p.m. and a concern has not been expressed by the Police Department or the Parks and Recreation Department. She suggested limiting the hours of the carwash from 8:00 a.m. to 8:00 p.m. on weekends and holidays to somewhat alleviate concerns of the neighbors and to be consistent with the hours of the carwash at the Mobil station at the intersection of Manhattan Beach Boulevard and Aviation Boulevard. She pointed out that there is not an acoustical report to compare the proposed carwash with the existing carwash at the Mobil station, and it is not known whether the proposed carwash would be much quieter. She stated that the acoustical report for the project indicates that the noise level of the carwash would be within the City's noise level standards. She commented that she would not support the gate between the park and the subject site and does not feel it is necessary. She commented that she also has concerns with the 5 feet of space behind the building on the west side of the property and would be in favor of moving the wall to the property line. She commented that she would be concerned with people possibly hanging out in the space, and attendants at the gas station would have difficulty in monitoring the area. She indicated that she would support the food mart opening at 6:00 am rather than 5:00 a.m. to be consistent with other gas stations in the City. She said that she is sensitive of the issue with safety in the adjacent pedestrian "alley" which was raised in an e-mail by Ms. Mejia; however, there is not a nexus between the subject proposal and closing the alley. She suggested that **Ms. Mejia** address her concern with closing the pedestrian "alley" to the PPIC and that **Ms. Budlong** address her concerns with the hours of the park to the Park and Recreation Department.

Commissioner Fasola said that he is in favor of the proposal as written, and he feels every property owner should have the ability to make reasonable improvements to their property. He commented that he can support allowing 24 hour operation for gasoline sales, as the site is

located on major arterial streets. He commented that limiting the hours of operation further for the subject site would result in an increase in traffic and impacts for other gas stations. He indicated that there is a benefit to morning commuters being able to utilize the gas station and food mart at 5:00 a.m. He commented that he does not feel there it is necessary to make the hours of the proposed carwash consistent with the hours of the carwash at the Mobil station. He indicated that the Mobil Station carwash is located approximately 60 feet from an apartment building, and the proposed carwash for the subject site would be located approximately 300 feet from residences. He commented that residents near Aviation Boulevard should accept that they live in a different type of environment than that of a smaller street. He said that he would leave the hours of operation as proposed. He indicated that it would appear strange for a gate to separate one property from another, and it should not be required to be included if it is not wanted by the property owner. He suggested that it could be installed, and the property owner would have the option of locking the gate if it becomes a concern. He said that he would like for the subject property to include a small outdoor seating area.

Commissioner Lesser indicated that he is generally in favor of the proposal subject to certain limitations. He commented that he has a concern with hours. He indicated that there are non-residential uses to the north, east and west of the site, and residents are only located to the south of the site. He stated, however, that he is sensitive to the concerns of those neighboring residents. He said that he would agree that the 76 station on Highland Avenue is not an appropriate comparison to the subject site; however, he has a concern with 24 hour operation of the station as proposed. He indicated that he would support operation of the food mart beginning at 6:00 a.m. He commented that he does not see a problem with being consistent with the hours of other nearby properties, and he feels providing consistency in setting hours is important. He said that he would be interested in further considering limitations for the operating hours of the carwash, as noise could be an impact particularly during the early morning and late evening hours. He said that he is concerned with the noise impact to the neighbors as well as the users of the ball field. He commented that he would need to defer to staff as to whether further noise remediation measures as suggested by the applicant should be required. He stated that he wants to be fair and not impose a higher burden than the Code requires unless there is a determination that it is warranted. He commented that as a user of the field, he would like for a wall to be placed to mitigate noise impacts from the carwash. He said that he is concerned with adding a gate between the subject property and the ball field, and he would like further information from staff. He stated that the gate would not fall in a logical place for users of the field to access the subject site. He pointed out that there also is a snack stand at the field which users of the field have available for purchasing food and drinks. He said that he would be curious about the lighting that would be provided within the 5-foot area between the proposed building and the field, and he would also like further information regarding the purpose of including the 5 foot wide landscaped space. He stated that he is in favor of the project overall subject to his concerns being addressed.

Chairperson Seville-Jones said that she has great concern with 24 hour operation of the station. She indicated that many of the other stations in the City that are located on arterial streets are

buffered from residences, and she is concerned that 24 hour operation at the subject site would have a greater impact to the adjacent residents. She said that she would support limiting the hours of operation. She indicated that she would have a concern with no limitations being placed on the hours for fuel deliveries which would be exacerbated by 24 hour operation. She commented that she would prefer for fuel deliveries not to occur during the middle of the night, although that does not mean that deliveries would have to occur during peak hours. She said that she would support the food market opening at 5:30 a.m. or 6:00 a.m. rather than 5:00 a.m. She stated that she would be in favor of limiting the hours for the carwash from 8:00 a.m. to 8:00 p.m. on weekends and holidays to be consistent with the hours of the carwash at the Mobil station. She commented that she would also like further information regarding whether other acoustical abatement issues should be addressed.

Chairperson Seville-Jones said that she would not support including a gate between the park and the subject property. She commented that the field is self-contained, and she would have a concern with children who are on the field wandering through the gate and exploring out to the gas station. She stated that she would also have a concern with people visiting the gas station going through the gate to sit in the park. She commented that people will find a way to access the gas station from the park if they desire to purchase food or a drink, but she does not feel there is a need to facilitate interaction between the properties. She indicated that her preference would be for the building on the subject site to be located away from the property line to the park; however, she is concerned about lighting. She commented that there does seem to be a benefit to allowing more light to enter into the area. She said that she would not support an outdoor seating area. She indicated that it did seem odd that there would be a change in the zoning of the subject property without the adjacent properties receiving notice. She indicated that she understands the concern of **Ms. Budlong**; however, the gas station has been in operation on the property for a long time and she is not certain if a change can be made at this point.

Director Thompson pointed out that the zoning change for the subject property was done as part of the comprehensive review of the City's General Plan in 2003. He indicated that a significant portion of the General Plan is the Land Use Element, which identifies various land uses throughout the City and those which are inconsistent with the present land uses. He said that the subject property which was previously zoned Industrial was one of several throughout the City which were identified and rezoned. He indicated that there were a number of public hearings regarding the review of the General Plan before the Commission and City Council. He indicated that a zone change on an individual property would require notification of the surrounding properties. He pointed out that currently the gas station/food mart that was rezoned to General Commercial is able to operate 24 hours. He stated that 24-hour operation of the existing gas station/food mart would have a greater impact to the neighboring residents as it is currently designed than it would if it were developed with mitigation measures as proposed.

Commissioner Fasola commented that the subject site appears to be further from residences than the other stations in the City located on arterial streets which currently operate 24 hours,

and an argument could be made that of all the locations in town this is the most appropriate to be open 24 hours. He indicated that the argument can be made that the hours should be limited if it is felt that any business should not operate 24 hours in the City. He commented that he feels the proposed use is appropriate, particularly because it is adjacent to other commercial uses.

In response to a question from Commissioner Lesser, Director Thompson commented that it is difficult to know the reasons for the restrictions on the hours of the Union 76 station on Highland Avenue and the Arco station on Manhattan Beach Boulevard which are located in the CL Zone without going back to the record of the meetings where they were approved. He indicated that not allowing 24 hour operation is penalizing a property owner who wants to redevelop their property, as they currently are able to operate 24 hours. He said that the 24 hour operation of the existing station in the CG Zone would have a much greater impact on the neighbors in terms of noise and lighting than it would if it were redeveloped.

Commissioner Fasola commented that it is a convenience for residents of the City to have stations open late at night. He pointed out that having people present at a business 24 hours can actually provide more security than having all activity shut down.

Commissioner Paralusz pointed out that the Arco and Union 76 stations with limited hours are zoned CL (Local Commercial), and the Mobil, Shell, Manhattan Fuel and Chevron stations with 24 hour operation are zoned CG (General Commercial). She stated that she does not feel it would be fair to penalize the applicant by restricting their hours. She indicated that she is convinced that the noise and the light levels would be mitigated with the subject proposal. She commented that the applicant has a reasonable expectation to be permitted to operate 24 hours in considering the operation of the other stations in the City. She commented that she would prefer to approve consistent hours for the proposed carwash and the carwash of the Mobil station in order to prevent the subject operation from having a competitive advantage.

In response to a question from Commissioner Lesser, Director Thompson said that he believes that the CG zoning of the stations mentioned by Commissioner Paralusz is one of the main reasons that the Planning Commission approved Use Permits in the past permitting those sites to operate 24 hours.

Commissioner Lesser commented that he would support the issue being continued in order to allow staff an opportunity to provide more information regarding whether the zoning designation is the sole reason for the restrictions on the hours of the Union 76 station on Highland Avenue and Arco station on Manhattan Beach Boulevard in the CL Zone or whether other criteria was applied in approving the more restrictive hours. He also requested further information regarding noise impacts on the users of the park and the neighbors and whether it would be appropriate to require noise reducing equipment on the blowers or a block wall. He stated that he also would like further clarification and suggestions from staff regarding the 5 foot separation of the building and the park as well as the gate.

Chairperson Seville-Jones commented that she is not certain that further information regarding the reason for the limitation of hours for the gas stations in the CL zone will help in making a determination on the subject station. She said that it appears that gas stations in the CL zone are not entitled to the same vested right to 24 hour operation because they are in a limited commercial area. She commented that she would be comfortable in allowing for 24 hour operation of the subject station based on the CG zoning of the site.

Commissioner Lesser stated that staff originally seemed tentative on the rationale that applied to the more restrictive hours of operation for the service stations in the CL zone, which is the reason he requested additional research. He indicated that he would support allowing 24 hour operation of the subject station if staff is certain that the zoning is the reason for the limitation of hours for the stations located in the CL zone. He stated, however, that he is sympathetic to the concerns expressed by **Ms. Budlong**. He said that he would like for some relief to be provided to the neighbors during the early morning hours; however, he senses that there is not support for limiting the hours by the rest of the Commissioners.

In response to a question from Chairperson Seville-Jones, Director Thompson said that he does not believe that the noise level of the carwash would be below the ambient noise level on the baseball field, and it is difficult to believe that people on the baseball field would not be able to hear the carwash. He indicated that if a noise complaint is received, a peace officer would need to visit the site and agree that the level of noise is unreasonable before action is taken. He indicated that a condition should be included that addresses the level of noise from the carwash in order to mitigate the level of noise to the ball field if that is the concern of the Commission.

Commissioner Paralusz suggested that a condition be included that leaves the discretion to the Community Development Department to work with the applicant if it is determined that noise impacts from the carwash into the park are an issue in excess of the reasonable person standard.

Chairperson Seville-Jones commented that she would not object to adding such a condition; however, she would want to be certain that the noise level of the carwash as heard from the ball field would be no greater than the existing ambient noise level of traffic from Marine Avenue or Aviation Boulevard. She commented that the frequency of the noise from the carwash is higher than the frequency of the ambient noise of traffic. She said that it would be helpful to have further clarification regarding the amount of noise reduction that the applicant is willing to mitigate. She indicated that she would not want for additional noise mitigation measures to become necessary after the carwash is already in operation.

Commissioner Lesser also requested that the language of the condition also acknowledge the impact of the noise to the ears of children, which will be on the ball field, as they are more sensitive than adults. He indicated that he would support allowing staff to draft a condition to work with the applicant regarding noise abatement measures that are appropriate to the use of the park.

Commissioner Fasola commented that he would support allowing the gate to be installed and having it locked if it becomes a problem.

Chairperson Seville-Jones indicated that she has concerns with young children having access through the gate from the ball field to the gas station or strangers visiting the gas station having access to the field.

Commissioner Fasola commented that the park should be open to the public. He said that he would not be opposed to allowing someone who is visiting the gas station to have access to the park.

Commissioner Paralusz commented that she also would have a concern with people parking at the gas station to access the ball field, as the intent of the parking lot is for use by the station.

Action

A motion was MADE (Fasola/Paralusz) to **ADOPT** the draft Resolution to **APPROVE** a Use Permit to Construct a New 24-Hour Gas Station, Food Mart with Beer and Wine Sales, Drive-Thru Coffee Area and Self Serve Car Wash and Adoption of a Negative Declaration of Environmental Impacts at 2301 North Aviation Boulevard with the addition to Condition 40 that the sidewalks would be improved to the satisfaction of the Public Works Director; with the revision to Condition 16 to include a limit of hours for the carwash between 8:00 a.m. and 8:00 p.m. on weekends and holidays and with the foodmart sales being permitted between 6:00 a.m. and 10:00 p.m. daily; with the addition of a condition regarding acoustics to address impacts on the ball field be drafted by the Community Development Director; with the elimination of the proposed gate between the subject site and the ball field; and with the setback on the west side of the building to be reexamined by staff and left to their discretion.

AYES: Fasola, Lesser, Paralusz, Chairperson Seville-Jones
NOES: None
ABSENT: None.
ABSTAIN: None.

Director Thompson explained the 15-day appeal period and stated that the item will be placed on the City Council's Consent Calendar for their meeting of June 16, 2009.

E. DIRECTORS ITEMS

F. PLANNING COMMISSION ITEMS

Commissioner Lesser expressed his sympathy at the passing of Daniel Moreno and stated that he will be missed very much. He indicated that Associate Planner Moreno was always very

courteous, polite, cheerful and helpful as well as professionally very competent.

G. TENTATIVE AGENDA

H. ADJOURNMENT

Chairperson Seville-Jones also expressed her sympathies, asked for a moment of silence and then adjourned the meeting in memory of Associate Planner Daniel Moreno.

The meeting was adjourned at 8:50 p.m. to Wednesday, June 10, 2009, in the City Council Chambers, City Hall, 1400 Highland Avenue

SARAH BOESCHEN
Recording Secretary

ATTEST:

RICHARD THOMPSON
Community Development Director