

**MINUTES
CITY OF HAWAIIAN GARDENS
PLANNING COMMISSION SPECIAL MEETING
SEPTEMBER 6, 2016**

CALL TO ORDER

Chairmember Kwan, in the City Council Chambers, 21815 Pioneer Boulevard, Hawaiian Gardens, California, 90716, called the Planning Commission Meeting to order at 6:00 p.m.

PLEDGE OF ALLEGIANCE

Commissioner Winford led the pledge of allegiance.

ROLL CALL

PRESENT: Chairmember Kwan
 Vice Chairmember Schultze
 Commissioner Amaro
 Commissioner So
 Commissioner Winford

Elizabeth Vigil, Planning Secretary announced that a quorum was present.

1. AGENDA ORGANIZATION

Planning Commissioners reported there were no changes in the order of the agenda at this time.

2. ORAL COMMUNICATIONS

Chairmember Kwan requested oral communication from the audience. Chairmember Kwan requested that the speaker state her name and address please.

Michelle Rojas – (inaudible)

Commissioner Amaro – Sorry to interrupt you. Is your microphone on?

Michelle Rojas – Hello? Okay, great. Do I need to repeat that? Okay, great. So Black Equities Group and Mr. Stanley Black have been in the commercial real estate business for over 60 years. They own real estate, or we own real estate all over the United States including 20 million square feet here in Los Angeles County. Much like the Irving Moskowitz Foundation which is here in Hawaiian Gardens, the Joyson Stanley Black Family Foundation are committed to serving the communities in which they are located, including those organizations that within the letter that I provided to you today. Black Equities Group's success is due to large part to Mr. Black's sort of philosophy about how he runs his businesses and basically that philosophy includes maintaining those properties in the best available condition as possible, selecting the best financially stable tenants that the market can produce, and investing in the communities again in which those properties are located. This sort of philosophy is also applied in this situation for the property that Black Equities owns at 12551 East Carson Street here in the City of Hawaiian Gardens and it is located obviously in the Hawaiian Gardens Shopping Center. As a little history, in June 2015 our tenant, Save More Thrift, had vacated the premises or the property. We enlisted the help of a national recognized brokerage firm, CBRE, to help with the marketing of this property. During this timeframe, unfortunately, the property did not attract the sort of tenants that we were looking for, namely very well respected; financially stable sort of tenants that we were in the market for.

Community Development Director Joseph Colombo– You have 30 seconds.

Ms. Rojas – Sure. So, just to sum it up, during these last 15 months it has been very difficult to find tenants. We have incurred a lot of vandalism and vacancy within that premises. It is our intent with Octapharma that we believe that they are the most financially stable to be here at this center. We have the support of the rest of the Hawaiian Gardens Shopping Center through Duckett Wilson Development, which owns 70 percent of the property. Our property comprises 30 percent. We believe that with a long-term tenancy, 10-year lease, Octapharma is committed to investing in the community by creating jobs, attracting retail tenants to the shopping center, which as you know retail centers die if there are no tenants there to serve the rest of the community in the shopping center. So, we really feel that this is the best, you know, choice and it is really positive, I think, overall for the City. So, thank you, and if you have any questions please let me know.

Community Development Director Joseph Colombo – Thank you.

Chairmember Kwan – Anybody else?

Bob Burke - Good evening, Chairperson Kwan and members of the commission and Community Development Director Colombo. My name is Bob Burke. I am a resident of Los Angeles County. I have been here my whole life and I have been involved in real estate and administrative hearings for

most of my adult life. I was President of the Building and Safety Commission in the City of Los Angeles. I was Chair of the Public Safety Commission in the City of West Hollywood, as well as the Public Facilities Commission, which deals with all the city buildings and all the construction. So, I have a background in this. I have a license as well as being a member of the California Bar. I am a licensed real estate broker and certified real estate appraiser with a background in landscape architecture. So, of course, I had no time in my life at all to make any money because I was busy getting all these degrees. But, I do want to bring to you the fact that this is such a, it seems to me to be such an outstanding opportunity for the City of Hawaiian Gardens, which needs little pockets of economic development and economic growth. And, to take this center which has not been very active and to bring in a thriving business that will in its own term bring in other businesses around. Coffee shops and donut shop places and little restaurants and whatever, and create a hub of very vibrant economic activity seems to me to be an extremely valuable use. And, to have that be denied for turning of just a definition of what a medical clinic is or isn't, or how much service it gives or doesn't, is not to me is not a productive nor a long-seeing wise decision for members of the commission such as you are who are actively out to develop the economy of this city as well as they can. So, thank you very much.

Chairmember Kwan – Thank you. Is anyone wish to speak? No? All right.

3. DISCUSSION ITEM

An appeal by Octapharma of a decision by the Director of Community Development regarding the classification of a proposed use at 12551 Carson Street, Hawaiian Gardens, California 90716.

Chairmember Kwan - We are going to discuss an item. An appeal by Octapharma of a decision by the Director of Community Development regarding the classification of a proposed use at 12551 Carson Street, Hawaiian Gardens, California 90716. Staff report?

Community Development Director Colombo – Yes, Madame Chairperson and members of the Planning Commission. We have been working with the City Attorney on this item and she will give you a staff report on this. I did hand out the PowerPoint presentation, so you have that before you, and also the map of the proposed location. So, with that, I will turn it over to Kendra.

Interim City Attorney Kendra Carney - Thank you, Joe. Please excuse my voice. I lost it in the past few days. But, beginning with the summary of events, which is also outlined in your staff report. On December 18 of last year, Octapharma initially approached the City and requested zoning verification from the Community Development Department for the address at 12515 Carson Street. In its request, Octapharma provided a brief description of the intended use. January 15, or I'm sorry, January 25, CD staff responded that the property was zoned C4 and it was governed by Section 18.60.050 of the Hawaiian Gardens Municipal Code. Staff also determined that based on Octapharma's description of the use, the proposed use would be classified as a clinic. After receiving the City's zoning verification letter, Octapharma next approached the CD with a significantly larger proposal at a new address, 12551 East Carson Street. That is the address that we are discussing today. This location abuts residential property on all four sides. On April 6, City staff met with Octapharma and Octapharma presented plans at this new address and a video, which more fully described the plasma donation facility and their operations. During the meeting, CD staff informed Octapharma that the new proposed use would at best require a conditional use permit and that staff would need to do additional research to determine the feasibility of the proposal. Several issues were discussed relating to this proposal. One of them included the limited parking at this proposed address and limited to, I think Joe can elaborate later, but the number of businesses that currently occupy that center. On June 21, Octapharma submitted a conditional use permit application for the expanded donations facility at 12551 East Carson Street. Staff reviewed the application and continued to research the use as described. On July 19, the Director of CD determined that the operation of the facility did not meet the definitions of a use listed in the Municipal Code and rejected the application. On July 29, Octapharma submitted this appeal. So, brief overview of the Municipal Code Sections that govern this application and the Director's decision. Section 18.60.065 provides a use table, which I think you're familiar with, that lists the specific uses permitted in this case in the C4 zone. One of those uses is clinic, and Section 18.20.030 defines clinic as a place for outpatient medical services, including pharmacies and dental or medical laboratories. Merriam Webster Online refers to medical services as healthcare, which is also defined as efforts used to maintain or restore health, specifically by trained and licensed professionals. Since donors and other individuals who may be at this clinic such as staff do not actually receive any healthcare treatment at the facility, but instead are paid to donate their plasma, the proposed use does not meet the clinic definition as determined by the Director. Also incorporated with the use table in Section 18.60.050, any use that is not specifically permitted on the table is prohibited in the City or in the zones in the City. The Director of CD or the Planning Commission may determine that an unlisted use does in fact fall within the permitted categories; however, to do so, the Director or the Planning Commission has to make four findings and all four must be made. The first is that the proposed use is consistent with the goals and policies of the General Plan. The second is that the proposed use is compatible with the purpose and intent of the zone in which it is located. The third is that the proposed use will not adversely affect the health, safety, or welfare of residents or other persons in the vicinity of the use. And the fourth is that the use is similar to a no more

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detrimental that those listed within the same zone. And again, all four findings must be made to approve a new defined use. When staff reviewed the General Plan a few things stood out regarding this proposal, but the authorization for the City's ability to adopt regulations comes from the California Constitution, which says that the City has the police power to protect the public health, safety, and welfare of its residents. And then through court determinations we know that land use and zoning regulations are derivative of the City's police power. And courts have also found that police power allows the city to control and organization development within their boundaries as a means to preserving the general welfare. The Hawaiian Gardens General Plan provides the vision for the City, which is to strive to maximize opportunities for the development and continued revitalization of a balanced community by providing a safe, stable, and pleasant living environment for existing and future residents, and striving to maximize opportunities for development and continued revitalization of ... that looks like that just doubled. Sorry. But the purpose of the goals and policies listed in the General Plan is to provide future growth and development into a sustainable city-wide development pattern while maintaining or enhancing the quality of life in the community. To get into that in more detail, and again to incorporate a new use in the use table you have to have all four of those findings we discussed, be factually supported, and the Planning Commission in this case now would have to make those four findings based on the facts consistent with the General Plan. Staff found that these four findings were not... the Director could not make these four findings once he reviewed the General Plan in connection with the proposed use. So, to review them in greater detail, the first required finding is that the proposed use is consistent with the goals and policies of the General Plan. That's what the finding would have to be. Upon reviewing the plan, a couple of the goals and policies stood out, specifically Goal LU-7, that's Land Use 7, requires that the City ensure the compatibility of land uses in close proximity to residential areas and public facilities. The proposed use is inconsistent with this because it envisions an 80-bed facility fully staffed to encourage a constant stream of donors coming and going. This does not benefit the residential area which abuts the property and drastically increases the commercial use and parking at the location. This disrupts the scale and rhythm of residential and commercial neighborhoods. Additionally, Goal LU-52 encourages the development of specialty commercial uses including specifically boutiques, restaurants, and entertainment centers. The proposed use is not a boutique, restaurant, or entertainment center. Moreover, the facility may have a detrimental affect on the preferred designated uses and a negative economic impact on these uses as well. The second required finding that would have to be made to uphold the appeal is that the proposed use must be compatible with the purposes and intent of the zone in which it is located. The purpose of general commercial zone C4 is to designate areas for office and professional and retail business in the city that support residential areas and provide jobs for area residents. These areas are intended to accommodate a variety of shops for goods and services to serve the needs of the surrounding community. The Municipal Code Section 18.20.030 defines offices or professional offices as buildings or portions of buildings used as a place of business by persons primarily engaged in rendering professional services. It does not include offices of retail stores or those incidentals for the handling, sale, or disposition of commodities. The plasma donation facility is a large-scale facility that is not an office, professional use, or a retail business. Instead it is a facility that procures substances needed to manufacture pharmaceuticals only. Therefore, the proposed use is incompatible with the purpose and intent of the C4 zone because it is not a professional office or retail center or shop, and it does not serve the community retail needs. The third required finding that must be made is that the proposed use will not adversely affect the health, safety, or welfare of the residents or other persons in the vicinity of the use. The plasma donation facility will lure potentially hundreds of individuals to the location each day. The General Plan recognizes that parking is already impacted in the City. The proposed used will dramatically increase the number of cars in and around this neighborhood. It is undetermined whether the parking lot can even accommodate this increase. This facility is incompatible with Policy LU-7.2 because it does not provide appropriate mitigation measures for a large-scale commercial use that abuts residential land uses in order to reduce potential negative impacts. Additionally, the facility is incompatible with Policy LU-7.5 because it does not encourage a lower intensity land use in a commercial area adjacent to residential land use. As you all know, the City of Hawaiian Gardens is unique in that it is fully built out and the commercial corridor abuts residential zones with no buffer whatsoever. This use is in conflict with this policy as it increases the intensity of a particular center and may negatively impact other businesses. The fourth required finding is that the use is similar to and no more detrimental than those listed in the same zone. The proposed plasma donation facility is not similar to other uses allowed. While the closest use is that of a clinic, the facility does not offer medical services and does not act as a laboratory to support medical services as required by the clinic definition. The use does not fit with the General Plan and is potentially detrimental to the surroundings in the community. Based on the foregoing issues the Director of CD was unable to make those four findings that would be required to support the plasma donation facility as a clinic or other permitted use that is unlisted on the table. The Planning Commission is now tasked with reviewing the facts presented. If the Planning Commission determines that the proposed use is sufficiently similar to a clinic to be permitted, then the Planning Commission must state facts in support of each of those findings.

Chairmember Kwan – Thank you.

Interim City Attorney Carney – And Joe and I are both available for questions.

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Chairmember Kwan – Does anyone have any questions for staff?

Commissioner Winford – Chairperson Kwan, I have a couple of questions for staff. The proposed location was changed from a previous one. Was it your understanding that they had originally planned for the smaller location and went to this larger one because of any concerns they had expressed?

Community Development Director Colombo – I am not aware of any concerns. Don, you may want to chime in. I'm not sure if there is any additional information. It just went from one location to the other. I don't know, Don, if you have anything more to add to that?

Associate Planner Donald Boudreau – That's correct. Nothing more to add.

Commissioner Winford. – Okay. And does this particular facility have similar facilities anywhere in the local area?

Community Development Director Colombo – That's something we can ask them when they come to the podium.

Commissioner Winford – Okay. And during the staff report, I just want confirmation of this because I believe I heard it correctly. There is an anticipation that there could be in a two to four hour period of time a hundred or more people attending this particular facility to donate or, pardon me. Aubrey, restate that, to provide plasma for compensation?

Community Development Director Colombo – Correct.

Commissioner Winford – Okay. Thank you.

Chairmember Kwan – Thank you.

Vice Chairmember Schultze – I have one question. Did staff work with Octapharma to find any other category that might apply other than clinic to use the facility?

Community Development Director Colombo – No, we didn't believe that it definitely met the definition of a clinic or that of a health services or anything similar of that nature.

Commissioner Winford – If I could, I did have one more. The zoning, would there be another zone area within the community that might be more applicable; i.e. light industrial?

Community Development Director Colombo – To accommodate something of this caliber, I am not aware of any location this large that can accommodate a use such as this intense of an operation. Keep in mind that anything in the M-1 zone carries a whole different ratio for parking. Usually they are parked at a much lower formula, 1 per 500 or 1 per 1,000. We're not sure what this one will calculate at, but generally medical will calculate itself out at 1 per 200 and we're not sure that we would support 1 per 200 for this particular use. But when we did do the math for 1 per 200 for this shopping center it appears that they could be under-parked just by using the formulas that are straight out of the book.

Commissioner Winford – Thank you, Joe.

Chairmember Kwan – Any more questions? I do notice, this is since last year.

Community Development Director Colombo – I'm sorry?

Chairmember Kwan – This happened last year in December 2015 when that applicant required zoning verification.

Community Development Director Colombo – Correct.

Chairmember Kwan – We did mention it right now.

Community Development Director Colombo – Yes.

Chairmember Kwan – I'd also like to know, and I don't want to go to detail, that they proposed or they showed a video of the plasma donation. I just don't understand the 80-bed that they requested in the location? Instead of, as Mr. Winford said this is pretty much __ the facility __ for money. I can't get in my head right now to this information. I will ask the applicant to go ahead and ... if you have more questions? Is this the time?

Community Development Director Colombo – Yes, if there are no other questions from the Planning Commission, then it would be appropriate to have the applicant come forward and identify themselves and present their case.

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Chairmember Kwan – I think let's do that.

Community Development Director Colombo – Okay.

Angel Sotelo - Good evening, Honorable Chair, members of the Planning Commission. My name is Angel Sotelo. I do community relations for the firm here. This is Brian Mulry. Just give you a quick background. When Corporate told us to look for a location in this vicinity, we looked at Cerritos. We looked at Long Beach. We looked at Downey. And we fixed our eyes here in Hawaiian Gardens. The facility in question, the one that we are applying for, fits us perfectly. We understood that there was going to be some parking issues, or might be parking issues, so what we did independently we did a parking analysis. And what we found was that there was more than substantial amount of parking spaces that fits our need first of all. So why did we choose Hawaiian Gardens? We like the location. We like that it is close to all the freeways. And we think that it is in a perfect location to the surrounding cities. What does Hawaiian Gardens... what is the value that we create for Hawaiian Gardens? So, first of all we are going to bring in about \$1.5 million in rehab to the building that we are planning to use, indoor and outdoor. We are also, the facility when it is running up to full capacity, we're going to have 70 employees, 70 brand new employees. At least 50 of them, we are committed to bring them specifically from the City of Hawaiian Gardens. And 50 of these employees are going to be a minimum of \$15 to \$20 an hour. And I think at this time and age right now with they way the economy is, and a lot of people are looking for a job, this is something, this is a great opportunity for the City of Hawaiian Gardens. Another value that we are bringing to the City of Hawaiian Gardens is that we are going to stimulate about \$3.5, we are estimating at \$3.5 million a year we'll be stimulating our local economy. This will be given to our patients when they come in and we go ahead and do the whole plasma process. Now, one of the questions that was brought up earlier was that we don't create any health benefits to the people, but in reality if I would go in today and I would want to go in and donate my plasma or some of my plasma, we get a full physical. And they will be able to tell me if there is something wrong with me or, hey, you have high blood pressure or you have diabetes. And now that information is given to me to go to my doctor and say, hey, I haven't had a physical in three years. I went to do this, and this is some of the information they gave me. So it actually gives a benefit. And every single person who walks into our facility is going to receive that physical. So, Brian here is also going to tell you some of the technical part of what we do. And, please, if you have any questions, that's what we're here for to answer any questions that you may have.

Commissioner Amaro – I have a question.

Mr. Sotelo – Yes sir.

Commissioner Amaro – You're talking about these people are going to come in and they're going to get a physical. Who performs the physical? Is it a doctor? Is it a nurse practitioner? Somebody that is certified with a license?

Brian Mulry – Yes, they are licensed medical professionals. There is a doctor on call for the facility. They're an actual resident at the facility. They are RNs. So the RN would give the physical with a doctor on call for advice. There is also a phlebotomist, which are licensed professionals for drawing blood. So, at the top, they are all licensed professionals that provide physicals. If you could imagine one of these offices, when you walk in you first sit in an office waiting room. That waiting room is very much like a doctor's office. Then from there you actually go into one of these doctor rooms. Imagine if you are a member of Kaiser and you go into one of these doctor rooms. You then sit down and you partially disrobe and you do get a physical. So, that full physical... I actually have a list of all of the medical services that they actually do provide before you give blood. Each donor, each time will receive again a medical oversight from a licensed RN with a doctor on call as well. What those consist of are a full set of vitals, including pulse, blood pressure, temperature readings. And that's prior to each donation. There's also a test called a hematocrit test. It's an examination. And what that basically does is it tests the donor's red blood cells to make sure that they have a sufficient number of red blood cells in their blood. Obviously we don't want them donating blood plasma if they don't have healthy blood. We also test obviously as you might imagine for HIV infection. That's a very important one. Any of the hepatitis infections. So, there's a full viral screening provided for each donor. So have these doctor rooms set up to provide these physicals. Every donor needs to go through this physical.

Commissioner Amaro – Going through the... since I don't really know about Octapharma, Incorporated, or plasma donation, I had to do my own research through the Internet.

Mr. Mulry – I appreciate that.

Commissioner Amaro – And You Tube. I came across your website and the person that's actually doing the physical, what do you guys call that person? Medical screener?

Mr. Mulry – Medical screener, but it would be a licensed RN.

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Commissioner Amaro – Okay, because as I was reading the actual medical screener part on your website, it's only looking for a \$9 an hour position. Plus, at the same time, it only reads that you need a G.E.D., so it really doesn't tell me that you're actually hiring an actual professional.

Mr. Sotelo – There are two different screeners.

Commissioner Amaro – You know what I'm saying?

Community Development Director Colombo – Hold on. Hold on a sec.

Mr. Mulry – Maybe we're talking out of line. First let me introduce myself. I'm Brian Mulry. I'm a land use attorney. I also represent Octapharma Plasma, so I have a very good history of how their facilities work. There are your medical screeners; however, when you go through that physical, that initial physical before you donate blood, that is done by a licensed RN, a licensed medical professional. There are people that monitor you as your blood is being withdrawn and to make sure that you are not fainting, you know, and so forth. Those people are medical screeners.

Community Development Director Colombo – Brian, I didn't catch the other gentleman's name.

Mr. Mulry – Sure. Angel Sotelo.

Community Development Director Colombo – And you're with who?

Mr. Sotelo – I work for the firm. I do community relations for them.

Community Development Director Colombo – The firm meaning?

Mr. Mulry – Octapharma Plasma.

Community Development Director Colombo – Okay.

Commissioner Amaro – So, again, like I said. I wasn't too familiar with the company or what exactly it is that you guys do.

Mr. Mulry – Sure.

Commissioner Amaro – But, as I was reading a lot of the articles, I read a whole bunch of negativity that caught my eye. Plus some of the videos that I was looking at also said as your blood is being cleaned and what not, removed, it goes back in. But, as it goes back in, even though you are reentering that blood it could be a foreign substance back into the person's body. And, the videos I seen, people were getting injured. So I don't know if this is something that is actually going to benefit because, I mean, if it's going to harm people, because every case is different by person. Every individual is different.

Community Development Director Colombo – Okay, I have a question.

Mr. Mulry – Do you mind if I just respond?

Community Development Director Colombo – Sure. But I want to make sure that we don't dwell too much on the procedural part.

Mr. Mulry – Sure.

Community Development Director Colombo – Because I don't know nothing about this stuff at all. Our recommendation is solely land use.

Mr. Mulry – Okay.

Community Development Director Colombo – Not so much the procedural part of the needles, the blood, and all that stuff.

Mr. Mulry – Sure. But the only thing I would say...

Community Development Director Colombo – Go ahead.

Mr. Mulry - It goes into the findings as far as what the procedure is. It is important to know that we are providing a medical service. I can't specifically speak to the videos you're talking about because I'm just not sure which videos those are. However, I will tell you that we are so highly regulated. We're regulated by FDA. FDA does annual inspections. Sometimes more than annual inspections. They will shut you down if you are not compliant in any way. We're also... our parent company is actually in

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Europe and we are regulated by the E.U. It's called Ages. It's an Austrian regulatory agency. We run through them. They also inspect annually and will inspect more if there is anything wrong and shut us down if there's anything wrong. There's also a federally mandated licensing procedure that is run by the states. That's called CLIA. That also, we are subject to their inspections as well. It's important too that we submitted a conditional use permit application here. The way I understand it a conditional use permit application in my 12 years of land use law is that you certainly, if you have concerns about the facility, we would love to work with the City to draft conditions of approval. Conditions that you're shut down if this happens or that happens or this happens or that happens because we will find that the fear will be unfounded. We're a very highly regulated and highly distinguished company. We have about 60 locations around the country and we're opening more. One is down the road in Santa Fe Springs. Another is, we have one in Van Nuys and we're looking at Garden Grove as well. So, there are some other areas we're looking at and, you know, I, we are more than willing to work with the City and be an active city partner with you guys to work on conditions of approval that address any fears that you do have. And that goes to parking as well. We did a parking study. I don't want to get into the history of whether or not staff said we should do one or not. We were under the impression we should do a parking study. We hired Linscott Law and Greenspan LOG Parking Engineers. A very highly respected parking engineer firm. Some you may have had them before you. They did about a 20-page report. That 20-page report found that there would be a parking surplus. I assume you guys know the property. If you go in the back of our property, back of 12551, there's a completely vacant lot that is rarely used with full of a bunch of parking spots. So there's really a lot of parking here. And again, we're willing to work with the City on parking restraints. We're actually, we're willing to work on the bed numbers as well. If you guys feel that 80 is too intense, we're willing to work with you. We want to be in this community. We want to be a public benefit to you and to the citizens. Cary Klish, our Director of Facilities is here. He can get into this a little bit more, but we host local job fairs. We're doing this in other towns. So, you know, we want to be in Hawaiian Gardens. We've committed a lot of money, a lot of consultants' time and money into this already. And again, we're willing to commit \$1.5 million in improving a building that's been vacant since 15 months, I believe.

Community Development Director Colombo – Did you have anybody else that wanted to speak or?

Mr. Mulry – Yes. Thank you for hearing me out too. I know that was a bit long-winded. I really appreciate your hearing me.

Community Development Director Colombo – That's okay. We appreciate it.

Mr. Mulry – Okay, we actually have a PowerPoint presentation we would like to actually present and have Cary Klish, our Director of Facilities present.

Community Development Director Colombo – Okay.

Mr. Mulry – Let me also just by way of introduction state that we have Eric Jorgensen here. Eric Jorgensen is from an architect design firm, archetype design out of Kansas City. He has done the ingress and egress plan for the shopping center to ensure that it's safe. Ensure that theirs is also enough... he peered reviewed LOG's parking study and found that it was spot on. So he's here also to speak. But I'll let Cary Klish take over. He's our Director of Facilities.

(inaudible)

Cary Klish - Yup, that's it. That's the one. Oh, perfect. Okay, again, I'm Cary Klish. I'm the Director of Facilities for Octapharma Plasma. Again, we're a U.S. based company out of Charlotte. We have 60-plus plasma centers right now, growing at a rate of about 18 new centers a year. We're dedicated to improving the health and lives of donors, employees, patients, and citizens of the communities where our donation centers are located. We're highly regulated again. FDA, OSHA, EPA, and other regulatory bodies applicable. We follow all quality and safety standards. At the bottom you could see some photos of some of our centers. We utilize state-of-the-art technologies to collect blood plasma and I'll get into a little bit more of that in a little bit and operated by professionally trained staff. Here's some snapshots of some of our centers. The bottom right, that's what plasma looks like. It's almost like dirty dishwater I guess is what you could look at it. One donation is about a liter. So how we positively impact the communities where we have our centers is job creation. Again, we pay about \$2 million a year in local wages to our employees. Donor payment, each donor is, gets a Visa card when they donate their plasma. By the time they are going out the front door their payment is already charged on their card. It equals about \$3.5 million a year for the donors. So it's about a \$5+ million a year that's funneled right back into the community. We, again, because we control the Citibank prepaid cards we know where they're spending their money, so we know that, I think it's 85% of their fees being spent right there in the local communities. Again, these are not swags. This is actual, from our Citibank records. And we partner with local professionals associations, advocacy groups. Many of our centers become members of the Chamber of Commerce. We do a lot of help with hemophilia foundations. And it usually has to do with blood disorders. If there's a local group or advocacy group, we get involved with that. Again, we hire locally. We know we have to bring in some people from the outside. We can't just... there's not a center director that knows how to run a plasma center or

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obviously out there looking for a job. We have to bring in some key people, but the majority of our employees are hired locally. We do a local job fair right in town. We want local people to work there. We just find that to be the best model for us to be successful. It's to hire local. Again, the \$2 million annually in competitive wages. In addition to the center staff creation, there's vendor and sales opportunities also. Now we have to maintain this center long-term so the retail construction trade, janitorial, deliveries, HVAC contractors. You could imagine everything we need to maintain this center, this building. We spend, again, about \$1.5 million just on the build-out. That's just the finishes. We do high end furniture. Everything is top of the line. On top of that we put about another \$1 million in machines, and furniture, and other stuff. So we're at about \$2.5 million before we even open the doors that we spent because we're going to be here long-term. We want to be here for 20 years. Again, this is a Citi prepaid card. This is how we know where the disposal income is being spent. As soon as that donor, after that donor donates and he steps out the door, he or she has got money in her pocket and it's right there in the local. That's where they're spending it. As you can see our top categories right here are grocery stores above all is where they are spending their money. We also offer up co-advertising in our centers for the local community and any local shops, whatever, we'll have a board in there. They can advertise. Again, this donor has got money in their pocket. Hey, right here. Come spend your money here. Some of the places that we help out is, again, St. Jude's, Habitat, American Cancer Society, National Hemophilia, local Chamber of Commerce. We support multiple healthcare and patient advocacy organizations both at the national and local levels. Our local centers are engaged locally and our corporate office we're engaged nationally. So, profile of a donor, 18 to 45 years of age. Part-time, Students, Job seekers. Between \$30,000 to \$40,000 income. This is average. Primary motivation is to earn supplemental income. So the donors, you know, they're making enough money on their plasma donations to pay their cell phone bill, to buy groceries. It's supplemental income for them. To be a donor you have to have a valid I.D., proof of Social Security Number, a proof of residence, and in good health. And again, they get that medical history and health and drug screening required in order to donate. And they get what's called a permanent deferral if plasma's unsuitable and that's a National Registry. So if somebody comes in and their first donation they're HIV-positive or hepatitis or something along those lines, their information gets into a National Registry that even our competitors have. CSL, Grifols, Biomat. On a National Registry so they're not allowed to donate anywhere. And that's just one of the safety checks that is in place. So a donation process, they check in at the front desk. They're greeted. New donors, after they've gone through the I.D. and Social Security Number and check and all that, they're going to watch a video explaining what the process is and some general education on the donation process. They get their free health screening and medical questionnaire to assure safety. Unsuitable donor, again, is deferred and given a date if they can return. They may be deferred because maybe their red blood cell count is low, they are running a fever, they don't feel well. They cannot donate that day. So they give them a date for them to come back. Qualified donors can begin donating. It takes about 45 minutes and it could be an hour and a half. Everybody, their time is different. It depends on the person. Plasma samples are sent to lab for quality and safety testing. They donate that liter of plasma and then we take samples from that and that's sent to a laboratory, and they're checking again. HIV. They're looking for the hepatitis. And we have to wait until the all clear comes back, then we can ship that plasma. So we want the donors to come back because a new donor that donates a liter of plasma that doesn't come back, that's called an orphan donation and we cannot use it. They have to come back a second time. They have to be a return donor. Then we can start using their plasma. It's beneficial to us for them to come back and for them. And the donor is compensated for their donation time. So you return up to 48 hours for their second and final weekly donation. Unlike giving blood where you got to wait 28 days before you could give blood again, I think. It's somewhere around there. Once a month you could give. Plasma, is really just water. It's the water in your blood that carries some antibodies and stuff that we make the medicines from. So, the body regenerates it rather quickly. So they can donate twice a week. And many do. That's usually the regular donors. They'll be in twice a week. Examples of real donor profiles also as you could see is anywhere from a student, a small business owner, a blue collar worker. It's all across the board. We have a lot of students that supplement their income to buy books. Donor fees, it really varies what the part of the country. It could be anywhere from \$30 up to \$50 per donation. It depends on, it is similar to gas station, right? The price of gas goes up if there is another gas station across the way and they start jacking their rates up. A drop in there's, and that one drops. Same thing. If we've got a competitor in the area that's giving a little more, then we give a little more. They'll have bonuses if they give, you know, after their sixth donation in a month, they'll get a bonus. That type thing. It varies how much they can make. And these are real donor quotes from our donors whether it's to make money, help save lives. Some of the medicines, one of the medicines we make is for the women's RH factor when pregnant woman's baby is a wrong blood type. So we make a medicine for that so that the woman can have a healthy baby and subsequent babies after that. That's a very special, that's called anti-D. That's a very special one. They get paid a lot of money. There's few people that fall in that category that can be an anti-D donor. We strive to positively impact the lives of individual donors and their families. We support local businesses, provide job opportunities, and be responsible neighbors in the community where we live and work. We want to contribute to the community and help it thrive. We're one of the largest human protein manufacturers in the world. We develop therapies for human plasma cell life. So, we've been in the business for 30+ years. We create therapies for more than 3 million patients in over 105 countries. Some of the things we do again are RH negative pregnancies, trauma, burn victims, major surgeries, cancer patients, organ transplants, hemophilia. Anything you could think of. A blood disorder. Anything that has to do

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with blood. Just about anything we make a medicine for. We collect the plasma. We send it to our parent company that make the medicines and is distributed globally to over 100 countries. That is Octapharma Plasma. We want to be part of your community. We give back to the community. We feel we're a really good fit for Hawaiian Gardens. And we really appreciate your time today. If anybody has any questions?

Mr. Sotelo - Just to wrap up, Commissioners. We understand that the company is not in question. The question is the zoning and if we fall in that category. Again, we want to work with Hawaiian Gardens. We will do whatever is in our powers to be able to fit in the zoning requirements. We think that it is a beneficial relationship between the company and Hawaiian Gardens. And, Commissioners, it's up to you to be able to give us direction. Give staff direction on how to proceed from here. Again, we want to thank staff for your direction and communication over the past eight, nine months. But now we're here, Commissioners, to figure out what we're going to do now. We want to work with Hawaiian Gardens. We want to. And, we are here today on behalf of the company asking for your support.

Mr. Mulry - I won't take too much more of your time. I just would be remiss as a land use attorney to not address some of the land use findings made by the City Council. I did produce... Octapharma did do a conditional use permit application. We filed this with City staff. Paid the fee. In one of the exhibits, and it's Exhibit C, or Exhibit B, my apologies, we did list a number of General Plan policies that make it consistent. LU-1.7 obviously, "Encourage a diverse mix of businesses that support the local tax base and are beneficial to residents." We believe this is a diverse commercial use on a building that is not currently occupied and hasn't been occupied. And we heard from Michelle Rojas that that is very difficult to occupy. We're also going to provide a long-term, ten-year lease to fill this site. We think that's definitely a benefit to this City. If you look at LU-4.2, "Encourage the development of vacant and underutilized commercial properties." I think clearly you'll find that 12551 East Carson is vacant and underutilized as a commercial property. So, there are... I won't take your time, but I have about, I would say ten different General Plan policies that we believe are consistent with what Octapharma is trying to bring to the City. So that really, we could help, you know, help you find these findings. These findings we believe can easily be made. The second one, the proposed use is compatible with the purpose and use of the zone. One thing I want to point out is we are typically seen as a clinic in the other 60 jurisdictions. This is not a new issue. Blood plasma donation center is rarely listed specifically as a use in the use table. So, we are typically found as a clinic. I also found something that has not been mentioned yet anywhere amongst staff or really among our group and I wanted to bring it up. There's also a use in the use table for outpatient clinical dialysis. It's basically, dialysis, we all know what a dialysis process is. It's similar, you know, in that it's very, very similar to what we do here where we basically filtrate the blood and put the blood back into the body. It's obviously a difficult end game and so forth, but it's a very, very similar use to what we have at 12551, or what we want to have at 12551 East Carson. We also don't believe that the use will negatively impact the health of the community. We've done a parking study to ensure that there's enough parking at the site. We've obviously polled the other landlord and they want us there. They believe that there's good cross marketing opportunities between our donors and Zion Market and the barbecue place and some other retail uses. Also, keep in mind that the other 60 locations we have around the country are typically in shopping centers. So this is not a new model. Cary Klish will vouch for the fact that we locate in shopping centers. This is our model. This is what we do. I know it might sound foreign because... and again this is a hurdle we climb in every city. This is a little bit of a foreign use. We agree with that. But, we have experience doing it. We locate in shopping centers. We do our due diligence. We get our traffic studies. We get our parking studies. And we want to work with you. For the last finding, "Is the use similar and no more detrimental than any other use." I just covered that. Outpatient clinical dialysis center, I don't think that is any more, I don't think our use is any more intense than that clinical use. We're all here for questions. We, you know, have again our design architect here as well who could talk tenant improvements, truck ingress/egress, parking, so forth. So, thank you so much for your time. I really appreciate it.

Mr. Klish - One last thing. I wanted to talk about the address thing. It was not intentional. The original, when we submitted, we just got the number wrong. It's in the same shopping plaza. It's right next door to the one that we would like to build. That's where that snafu was. It was just simply somebody wrote the numbers down. If you look at the numbers they're very similar. We just mixed the numbers up is all that mistake was.

Chairmember Kwan - Anybody else want to make a comment?

Mr. Mulry - I think we're good. Thank you so much.

Chairmember Kwan - Thank you, gentlemen. Anybody have any more questions?

Commissioner Schultze - I just have one in regards to the process. Do you have laboratories onsite? Or is all that sent out completely?

Mr. Klish - No, it's sent out. All we do is we collect the plasma. The donor comes in and they're hooked up to a machine called a PCS2 Machine, and the blood is drawn out. The process is called

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plasmapheresis. It basically is a centrifuge and it separates the plasma from the blood. We keep the plasma and the blood goes right back into the person and it's all disposal. Nothing is reused and that plasma is put into freezers that are maintained at about 38 degrees below zero. And we send the samples out to a third party to be tested and when we get the results back then we can ship it.

Commissioner Schultze – Okay, and there's no bodily waste that, I mean, disposal or anything like that?

Mr. Klish – There is bodily waste as in, you know, there's going to be Band-aids. There's going to be those tubes, the throw-away tubes and stuff. And we contract out with a company called Stericycle and it's put into hazardous waste containers and they come everyday and pick up the hazardous waste for disposal.

Commissioner Schultze – Okay, thank you.

Commissioner Winford – That was part of my question that I had too because you had mentioned the orphaned plasma. And I was just curious, I'm assuming, that is shipped and, you know, disposed of?

Mr. Klish – Well, believe it or not there is a market out there for orphaned plasma and we do sell it to third parties, but we cannot use it in our process for making medicines.

Commissioner Winford – Okay, but it's, it is disposed of in similar safety ways.

Mr. Klish – Yes sir.

Commissioner Winford – In which your stuff that you're going to use is shipped.

Mr. Klish – Absolutely.

Commissioner Winford – Okay. Thank you.

Chairmember Kwan – Any more? Any more questions? I think the staff wants to make a few comments.

Community Development Director Colombo – Yeah, just a couple comments. I know you made reference to the outpatient dialysis. It does operate a little bit different although it may sound like the concept is somewhat similar in the sense that we're dealing with blood. But in one place we're filtering the blood and in this case we're actually donating blood for a fee or being compensated for it. So, it's not exactly the same use for purposes of what we considered in our determination for a clinic or something of that nature. There is no transaction, monetary transaction going to the patient. Maybe all dealt with through the insurance. So, it is not the same level. It is totally a different land use category. So, our decision was purely, strictly based on the fact that it is not a clinic. It's not a medical necessity that's being provided. It's strictly financial gain of the patron, of your company that comes in to donate blood for a fee. And I think based on that type of an operation as well as the concerns that we had with the entire operation. It was not based on the economics. I understand the data you provided in your PowerPoint with the economics that the City may or may not potentially benefit from. But that wasn't the reason that we looked at this, nor was it the aesthetics of the building or the process or anything. It was strictly the issue of the ability of a patron to come in there and sell, or you obtaining their plasma in exchange for a fee, and what the repercussions that could be from potential patrons or clients and the potential of the negative impacts that could be associated with that when the community, and the impacts that could be associated with impacting the local businesses in the neighboring shopping center. So we did not consider anything about the process itself. The economics, the process. Like I said, we don't know anything about the blood operation in itself. As far as the parking, I think what was indicated was that there was the potential that parking could be an issue. I believe you guys went ahead and did a parking analysis of some sort based on a shared arrangement. And if that was the route, that requires minor use permits that I don't have the authority to approve for shared agreements. So there's the potential that there could have been, although we never got there as I indicated when the application was filed. We were just basically reviewing it based on formula. Not on any type of analysis. Any parking studies that would be submitted would have to be reviewed by a consultant Traffic Engineer. So there is that potential that that issue may exist. It is a higher intensity parking than your general retail and commercial. So, and it is occupying a pretty big, significant anchor, sub-anchor space in there. And that's all the clarification I believe I have at this present time. Unless there's any other questions of staff?

Commissioner Winford – Yes, if I could, Joe. Don, you could jump in on this. Let's just say for land use, not this particular one but things that have impact upon the center. A higher usage. For instance, let's say there wanted to be an entertainment establishment go in there serving alcohol. I know that is something that requires a higher parking ratio. For that square footage just give us a generalized idea about whether or not that would be something that would fit in that area or not. If it was a, I'm trying to think of, I'll give a bad example. Hooters. I'm sorry, I said it was a bad example, but I'm trying to think

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of a national kind of place that is sort of a place for, you know, food, but drinking establishment. And I realize that would have a high impact on parking. Would that type of an impact be as high or higher than we you're looking at?

Community Development Director Colombo – The impact on parking is all relevant based on the size of the building and this is a pretty considerable sized building. This building, as far as I know, prior to Savers being there, used to be a Rite-Aid. So, those are general retail type of an establishment. I don't believe the shopping center was built to accommodate all the higher intensity uses that generally require a much higher parking demand. So to put a use in this center that has a much higher demand could potentially create a problem. But without looking at the traffic or the parking analysis we are just speculating. But, this is a very large building. It think it's 15,000?

Mr. Klish – It's about 17,000 and change.

Community Development Director Colombo – 17,000 and change. Okay, so, it's a little different when we get a little tenant space that's about 2,000 square feet versus 17,000. That is a major sub-anchor space so I think you would run into a parking scenario whether it's an entertainment or bar or some other. Even a casino, for example. Again, we looked at it more so from the potential implications of secondary impacts that this could create to the surrounding area, to the community, and to the local businesses of the area. Not necessarily just parking, but parking does play a role. But there is, you know, there was some data that was done or study done by the applicant. We never got there as indicated. We did, after further analysis, after further information being provided, after further discussing this with staff and the City Attorney it was determined that this use was not exactly a permitted use under the classification tables as outlined in the zoning code in the C4 Section. It did not fit the definition of a clinic.

Commissioner Winford – When the parking is taken into consideration for the occupancy of it, there's a formula that generally looks at the potential for the employees parking because what I'm seeing here is that this appears that it's going to have a fairly large impact on parking just from the employees that will be there. A large number of beds obviously if it's going to be a successful operation they're going to need to have a lot of them filled multiple hours during the day. So, they were talking, you know, somewhere between 50 and 70 employees. I'm assuming not necessarily all of them would be there at any given hour. But I'm going to assume fairly.

Community Development Director Colombo – There was some type of parking analysis done as indicated by the applicant for some type of a shared operation. But, again, we did not review those documents as part of the conditional use permit process. And the issue at hand is does the use itself fall within the classification tables established per the existing code. You could have a use come in there that doesn't require entitlements and just by the nature of the use have a higher parking ratio. You know, let's just say hypothetically you have a big doctor's office. A regular doctor's office is a permitted use, but yet it carries a much higher parking ratio demand than general retail. So we wouldn't be looking necessarily at the use itself, but we would be looking at the demand created from the use itself. And then we deal with the analysis and the study, but in this particular case they took it a step further where they prepared some additional data that had not been requested at that point nor was it studied at that point. There was an anticipation that there was going to be a problem with parking just based on the use and that needed to be evaluated further. But, again, we looked at this from a different point of view and that being that it is not a clinic.

Commissioner Winford – Okay, and that was going to be my final question. So, the actual use, as determined by staff, doesn't fit within the confines of this particular zone and so consequently even a conditional use permit can't change what the definition is there for a conditional use permit would be to allow for condition uses that would be acceptable in this zone if it is allowed. Is that correct?

Community Development Director Colombo – Correct. I don't have the authority to just say this particular use is going to require a conditional use permit if it doesn't fit within the definition of our codes.

Commissioner Winford – Okay. Thank you.

Chairmember Kwan – Thank you sir. Any more questions? So you want to say something?

Commissioner Schultze – I have a question. Is it possible we can get that list that they indicated in the CUP? That, what's the word I want? Anyway, the validated some of these proposals? That they fell into these proposals of use? Can we get a copy of that?

Community Development Director Colombo – Are you talking about the references to the General Plan that they made?

Commissioner Schultze – Yeah.

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Mr. Mulry – Yes, we did. One of the requirements for the conditional use permit application was to make findings that this use would be consistent with the General Plan. So we did that. I've got it here. It's an Exhibit B. I could submit it for the record. I just want to say too candidly. We're in a bit of an awkward position because we were told to submit a conditional use permit application. We paid our fee. We swiped our credit card for a conditional use permit application so we thought our use was allowed subject to a conditional use permit application. We paid our conditional use permit application fee. And I think it's important that I get that on the record as well. So there is a little bit of confusion here that has us a little frustrated. But, of course, we want to work with the City. We don't want to be in, you know, in any adversarial situation. That's not how we want to start out. We want to work here in this community with you guys. But I do have the conditional use permit application here.

Community Development Director Colombo – Let me make a comment on some of that. First of all I am aware of some of the findings that they have presented in their request for a conditional use permit, which again is part of the conditional use permit application. But, nevertheless, just because there's a finding that says that we should promote certain activities to alleviate or eliminate vacancy, that doesn't mean that that will have a heavier weight on some of the other findings in the General Plan that says that we ought to be careful what type of businesses we put in our community such as, you know, creating some type of uses or conditions that create a detriment. So we're aware of some of those findings that they're utilizing out of the General Plan. As far as the application and fee, yes they did submit for an application, submitted their fees, and whatever paperwork was requested of them. But upon determination that this is a use that doesn't fit within the land use category, the C4 zone, those fees were returned and they were told that we were no longer processing the application for a conditional use permit and thus they just appealed the decision of the Community Development Director.

Chairmember Kwan – Any more? Brian?

Mr. Mulry – Yes, yes. Chair.

Chairmember Kwan – Let me ask anybody, any more questions from Commissioners? I'm just going to make my last view. Sir? Staff? Anything?

Community Development Director Colombo – Yeah. I don't have anything further to add at this point.

Chairmember Kwan – Maybe gentlemen. Cary? Do you want to say something?

Mr. Klish – Yes Ma'am. We are, you know, this is an 80-bed center. I know the big discussion is on parking. 80 beds. There's going to be 70 employees. And we are willing to reduce that bed count to smaller. There's still going to be that 17,000 square foot building, but we're willing to work with the staff and reduce that bed count down to reduce that parking demand in that shopping center.

Chairmember Kwan – One more, Brian.

Mr. Mulry – One other comment too. Just to distill in like one sentence our parking study. There are 384 spaces available in the center. 281 spaces at peak hour would be used meaning there's still a surplus of 103 spaces. I am sure you have all been familiar with that shopping center. There is quite a bit of parking vacancy in the back and then also in the front as well. And that's peak hours as well.

Chairmember Kwan – Any more questions? All right. Thank you ladies and gentlemen. It is the pleasure from the Commission that we have all this information. Do they have any more questions from our Commissioners? No? All right, so I'm going to make just my view here. I like the benefit of the whole concept. Okay. All of those. This paper. I like the benefit. I'm also always pro for a welcoming business. But I have, well all of us have no authority to not abide by the General Plan and all of this as our Attorney mentioned earlier. And for me, just personal, it's a bit disturbing when my community goes there, donates plasma to make extra bucks. It's a bit, for me, I cannot speak for everybody. It's just my view. I go to Red Cross, you know, American Red Cross. I did not see that have American Red Cross here to try to ask somebody to donate blood, you know. But donating blood is just based really personal preference. We all kind of benefit. And I'm not an expert for all the technical details to get the procedure of plasma, you know, the detail how to get the plasma, how long they recover. I'm not an expert of that. And about the parking study. As you mentioned there's one thing that going to be a challenge in this location. So, therefore, as our Attorney mentioned that this proposed use, like the C4, like most of us have like professional office, retail center, shop. And if it does not serve community's retail needs, that the community, all the things that we see today is burdensome for me. I appreciate how your Attorney, Brian, tried to, and everybody tried to work with us. I understand about the real estate part that the gentleman earlier mentioned because I'm one of those. At the end, that's only my view. I have no authority to not comply with our CUP and all the General Plan that we have in the City. You can help me continue staff? Anybody want to make a motion because we've been here an hour?

Commissioner Winford – I would like to make a motion if we could put forward a motion to uphold the

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decision of the Community Development Director in denying this particular land use for this particular location.

Chairmember Kwan – Anyone going to second that?

Commissioner So – I second that.

Chairmember Kwan – All in favor? Or we can have a discussion. Any more discussion?

Commissioner Schultze – I think we need to discuss this a little bit more before we completely turn them away. Because I know that what it's boiling down to is that one word "clinic" and is there another word that can be used that falls in the C4? If not, then, you know, I would abide by what your decision is. But, I just think there should be a little more discussion because, you know, I haven't seen the CUP or what they're proposing how it can benefit the City other than what they said here. But I'd like to see what the CUP said.

Community Development Director Colombo – The decision was not based on their conditional use permit. The decision was based on the fact that their use and how it operates. Okay. The functionality of the operation. And I don't mean the operation behind the doors, you know, with the blood, and the syringes and things of that nature. But just the idea of where a person could go in and go and sell their plasma and then get money for it. That's the concern that we have. The repercussions that the potential impacts of that operation in the community. The potential clientele that we're going to attract. The secondary impacts that could be created from that not just in the community but in the surroundings businesses as well. So it wasn't necessarily one particular issue, but several different issues, and whether in this particular case they said it was a clinic. We don't see it as a clinic because a clinic would have to have some type of medical functionality. In this particular case there's nothing medical about this procedure. It is voluntary. It is for pure profit. It is not something that is a necessity other than to make for the patron go and make money for the applicant. On the other hand, they make money as well because they're going to sell it to a third party. So, that's what we're looking at. They type of clientele that is going to attract. The impacts of that to the community. The fact that that type of an operation within the existing shopping center that's made out of your boutiques and restaurants. Little Mom and Pop shops. We don't see that type of use to be in harmony with the shopping center.

Chairmember Kwan – Go ahead, sir.

Commissioner Winford – I was just, my concern has a lot to do with the fact that if we provide an entitlement that is not very specific and clearly defined, then we are opening up ourselves to allow that to happen with other similar, almost the same as things. My concern would be, and this is no reflection upon the company because they are a legitimate business, but it has a concern that it could lead to somebody declaring that a pharmaceutical marijuana clinic kind of fits in to the same kind of a thing. And it's not specifically defined in our General Plan. And I know that from working on previous General Plan and General Plan updates, they've gotten very specific over the years from decades ago when they were just general and they allowed for things to happen that later on down the road we were second guessing ourselves on. So that's why I have a concern about this. Another thought was I guess we could have the zone changed, but I suspect there's probably, that's a bigger mountain than they would want to chew on and it would probably be some other location that would be suited for them. I mean, obviously, I personally feel very good that they decided that this is a community to locate in, but I don't believe that the use fits the General Plan. And I do have some of the concerns that the Community Development Director has brought forth that we may be opening ourselves up to some type of clientele that would be using service there that may not be good for the center. That's a potential even though they presented a nice clean view of it. But I would certainly have concerns about that without knowing about how their other locations have impacts. So, that all together tells me why I made my motion the way it is. Thank you.

Chairmember Kwan – Can we continue?

Community Development Director Colombo – Ask for any other discussion.

Chairmember Kwan – Any discussion about this before we move to the roll call?

Community Development Director Colombo – Okay, so ask for a roll call.

Commissioner Amaro – Can you repeat the motion again?

Chairmember Kwan – Can you repeat the motion?

Interim City Attorney Carney – Uphold the decision of the Community Development Director and denying the appeal.

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Chairmember Kwan – That's the motion?

Commissioner Winford – That is my motion. Is that, Commissioner So, your second? Okay.

Chairmember Kwan – So you're open for discussion? Is there any further discussion?

Community Development Director Colombo – No further discussion. Ask for a roll call.

Chairmember Kwan – Okay, if no more further discussion then we're going to do a roll call please.

Community Development Director Colombo – Let me clarify so everyone understands. The motion was to uphold the Community Development Director's decision.

Commissioner Amaro – Okay, I got it. Thank you for clarifying that.

Community Development Director Colombo – So a yes means that you agree with the Community Development Director's decision which is the motion and second.

Commissioner Amaro – Right.

AYES: Kwan, Schultze, Amaro, So, Winford
NOES: None
ABSENT: None
RECUSED: None

Motion carried.

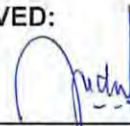
Community Development Director Colombo – Yes, so the Planning Commission has ruled on the final opinion on the Community Development Director's position on that specific issue. We can get together after the meeting if you have other questions.

Chairmember Kwan – Thank you gentlemen, ladies.

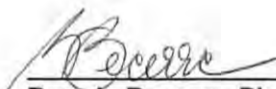
4. ADJOURNMENT

To the next regular Planning Commission meeting of September 14, 2016 at 6:00 p.m.

APPROVED:



Priscilla Kwan, Chairmember



Brenda Becerra, Planning Secretary