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August 13, 2019

**RE: Formal Appeal of Planning Commission's Approval of Conditional Use Permit No. 533 and Plot Plan No. 992**

Dear City Clerk:

I hereby write to formally appeal to the City Council the July 30, 2019 action by the Planning Commission to approve conditional use permit no. 533 and plot plan no. 992 for Trojan Storage consistent with Commerce Municipal Code 19.39.190.

I intend to make my case to the City Council at the appropriate time that that Planning Commission erred in providing the aforementioned approvals. They did so while placing their desire to leverage financial support for scholarships over prudent public policy by allowing another public storage facility which does little to nothing for the City's residents and the City's budget.

Thank you.

Sincerely,

Chuck Rubalcava

Concerned Citizen

Dear Honorable Mayor and Honorable Council Members,

Administration

Pursuant to Commerce Municipal Code ("CMC") § 19.39.190 B., this communication relates to my appeal filed with the City Clerk's office on August 15, 2019 regarding the action of the Planning Commission to approve Conditional Use Permit No. 553 and Plot Plan No. 992 for the property located at 6210 Garfield Avenue within the City of Commerce (the "Project Site"). The Planning Commission erred and abused their discretion when approving the above-referenced entitlements. The following will provide an overview regarding errors and abuse of discretion by the Planning Commission with regard to: 1) ensuring the surrounding community is protected by adequate screening; 2) abuse of discretion regarding height restrictions and incompatible uses; 3) approving the project based on an inadequate environmental review under the California Environmental Quality Act ("CEQA"); and 4) financial leveraging.

### **I. The Planning Commission Action Does Not Impose Adequate Conditions**

The conditions of approval are inadequate as they do not prevent the project from exceeding the design standards established pursuant to Ordinance No. 575 (dated December 16, 2003). For example, the City's staff report makes no mention of "screening" which is specifically called out in the above-referenced ordinance to prevent the warehouse facility from being visible from any adjacent property, public right-of-way, or any public area. Ordinance No. 575.

### **II. The Planning Commission Erred and Abused its Discretion**

The building height established pursuant to Ordinance No. 575 (Size and Scale) for any self-storage or public storage warehousing must not exceed 35-feet. Based on the City's Staff Report, the approved height associated with the Trojan Storage warehouse/office/self-storage facility is 36-feet. In the absence of a variance to exceed the maximum height, the Planning Commission erred and abused its discretion in approving the project with a height limit of 36-feet.

In addition, the "apartment" approved as part of the Planning Commission action which appears to be allowed pursuant to Ordinance No. 575 is in direct conflict with the permitted uses allowed under the M-2 Zone. The combined uses are incompatible and would require a zone change per the current list of permitted use for the M-2 Zone contained in CMC § 19.11.030 - 19.11.030A (Uses in Industrial Districts). The City's Code makes no mention of residential uses being allowed in the M-2 Zone which encompasses the Project Site.

### **III. Environmental Review is Inadequate**

The property is home to Eddie Kane Steele Products which processes high-definition plasma and oxy-fuel flame cutting, shearing, bending, drilling, punching, welding, beveling, and light machining of steel products at the Project Site. With the potential for soil contamination over the years, I am unaware of any soils testing associated with future construction activity or connected to the entitlements approved by the Planning Commission for the Project Site. This raises concerns regarding the potential for exposure from contamination, air quality impacts, and hazardous substances in the surrounding area and at the Project Site.

The project includes 213,640 square feet (or 4.90 acres) of net new warehouse/office/residential uses with the potential to create significant impacts; notwithstanding, the potential for hazardous impacts eluded to in the Initial Environmental Study and further referenced in the City's Staff Report dated June 26, 2019. As a result, the Trojan Storage project should be held to the highest standard established under CEQA requiring an environmental impact report with a human health risk assessment to ensure any significant impacts will be mitigated to a level of insignificance. The level of environmental review demonstrated for the Trojan Storage project falls short of this threshold and seems to violate CEQA's requirement that no project with the potential for significant environmental effects be allowed to go forward without an environmental impact report. Furthermore, the proposed minimum side yards will provide inadequate access for fire service personnel and emergency apparatus and is a mistake for the given site and proposed project.

Based on the magnitude of the project, the Mitigated Negative Declaration fails to analyze these significant impacts and the environmental review conducted for the proposed project should be expanded to address the above-referenced concerns which can only be analyzed through an environmental impact report.

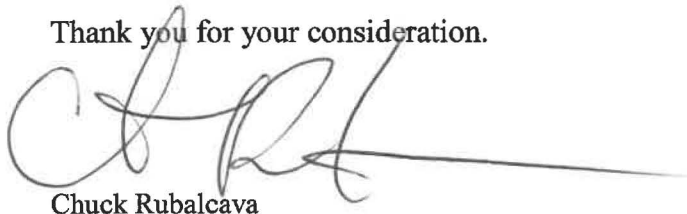
#### **IV. The Planning Commission Leveraged Financial Support**

Based on the information above, the Planning Commission failed by allowing another public storage facility to move forward without adequately ensuring the public interests are truly addressed. The Planning Commission erred in its discretion by allowing Trojan Storage to clearly circumvent the zoning requirements and standard zoning practices while placing their desire to leverage financial support for scholarships over prudent public policy. This should not be allowed as it sets a bad precedent for future projects.

Moreover, it is not clear whether there are currently more than the allowable active number of business licenses for self-storage facilities in the City. As a result, I respectfully request confirmation that there is no conflict with the current zoning regulations which do not allow more than two public storage facilities within the City.

In conclusion, I believe that the decision of the Planning Commission was in error and demonstrates an abuse of discretion as well as an oversight with regard to the level and scope of environmental review. Therefore, I strongly urge the City Council to grant the appeal and require Trojan Storage to seek the proper discretionary approvals as well as the appropriate CEQA review insuring the legality of this project and the protection of the public.

Thank you for your consideration.

A handwritten signature in dark ink, appearing to read 'CR', with a long horizontal line extending to the right.

Chuck Rubalcava