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**11. PUBLIC HEARING**

- A) Draft Environmental Impact Report for Porsche Cars of North America Driving Skills Course (SCH No. 2012041075), Design Overlay Review No. 1441-11, Conditional Use Permit Nos. 889-11, 890-11, and 891-11, and Zone Change Case No. 168-12**

Applicant's Request:

The applicant, Porsche Cars of North America, is requesting the Planning Commission review and comment on the Draft EIR for a driver training facility on a 53-acre site. Approve a driver training facility which includes a 65,000-square-foot building, driving skills course, and related structures and activities, and recommend approval to the City Council to change the zone of the subject property from CG-D-ORL and ML-D-ORL to CR-D-ORL. The property is located at 19220 Main Street.

Staff Report and Recommendation:

Associate Planner Gonzalez presented staff report and the recommendation for the Planning Commission to RECOMMEND to the City Council certification of the Porsche Experience Driving Center Project Environmental Impact Report; RECOMMEND APPROVAL to the City Council of Zone Change Case No. 168-12 changing the zone district to CR-D-ORL and Conditional Use Permit No. 890-11 authorizing development on a former landfill; APPROVE Design Overlay Review No. 1441-11 and Conditional Use Permit Nos. 889-11 for the proposed design and operation of a driving skill course and 891-11 for the importation of up to 200,000 cubic yards of soil; and WAVIE further reading and Adopt Resolution No. 12-2452, entitled, "A Resolution of the Planning Commission of the city of Carson recommending to the City Council certification of Environmental Impact Report SCH No. 2012041075 and recommending approval of Conditional Use Permit No. 890-11, and Zone Case No. 168-12, and approving Design Overlay Review No. 1441-11, and Conditional Use Permit Nos. 889-11 and 891-11 to facilitate the Porsche Experience Driving Center to be located at 19220 South Main Street.

Assistant City Attorney Soltani highlighted the following changes to the Conditions of Approval:

Condition No. 4 – **"Porsche Cars of North America ("Porsche") and Watson Land Company and Watson Partners, L.P., (collectively "applicants") shall be...."**

Condition No. 5 – add, **"The City is currently unaware of any mitigation measure that requires a separate discretionary approval from those listed above in Condition No. 1. However, in the event that a required mitigation measure is later determined to conflict with the design and development standards of the Carson Municipal Code (CMC), and the City determines no replacement measure would substantially conform or be substantially similar to the conflicting measure, the applicants shall obtain prior entitlements (e.g., variance request, conditional use permit, etc.) to secure approval. Entitlements shall be obtained prior to issuance of a building permit related to said mitigation measure."**

Condition Nos. 7, 8, 11: change the word "applicant" to **"applicants."**

Condition No. 15: **"Porsche** shall submit..."

Condition No. 16: "Remediation of the site shall be completed by **"Watson"** and approved by the Department of Toxic Substances Control prior to the issuance of a certificate of occupancy. The **"applicants"** shall comply..."

Condition No. 17: "...The Developer **"applicants"** shall pay the cost for review..."

Condition No. 19: The **"applicants jointly and severally"** shall indemnify the City and its elected boards, commissions, officers, agents and employees and will hold and save them and each of them harmless from any and all actions, **"suits,"** claims, liabilities, losses, damages, penalties, obligations and expenses (including but not limited to attorneys' fees and costs) against the City and/or **"its agents for any such claims or litigation arising out of the grant of Design Overlay Review No. 1441-11, Conditional Use Permit Nos. 998-11, 890-11, and 891-11, Zone Change Case No. 168-12, certification of the associated Environmental Impact Report, and/or any other approvals"** and shall be responsible for any **"monetary"** judgment arising therefrom.

The City shall provide the **"applicants"** with notice of the pendency of such action and shall request that the **"applicants"** defend such action. The **"applicants"** may utilize the City Attorney's office or use legal counsel of its choosing, but shall reimburse the City for any necessary legal cost incurred by City **"at local and customary billing rates and administrative costs. The applicants"** shall provide a deposit in the amount of 100% of the City's estimate, of the cost of litigation, and shall make additional deposits as requested by City to keep the deposit at such level. If the applicants fail to provide or maintain the deposit, after reasonable notice and reasonable opportunity to cure, the City may abandon the action and the applicants shall pay all costs resulting therefrom and City shall have no liability to the applicants.

The **"applicants"** obligation to pay the cost of the action, including **"any monetary"** judgment, shall extend until judgment. After judgment in a trial court, the parties must mutually agree as to whether any appeal will be taken or defended. The **"applicants"** shall have the right, within the first 30 days of the service of the complaint, in **"their"** sole and absolute discretion, to determine that **"they do"** not want to defend any litigation attacking the City's approvals in which case the City shall allow the **"applicants"** to settle the litigation on whatever terms the **"applicants"** determine, in their sole and absolute discretion, but applicants shall confer with City before acting and cannot bind City.

In that event, the **"applicants"** shall be liable for any costs incurred by the City up to the date of settlement but shall have no further obligation to the City beyond the payment of those costs. In the event of an appeal, or a settlement offer, the parties shall confer in good faith as to how to proceed. Notwithstanding the **"applicants"** indemnity for claims and litigation, **"if after consultation with the applicants and considering all options and remedies,"** the City **"decides to settle a claim or a case, it"** retains the right to settle **"such claim or"** litigation brought against it in its sole and absolute discretion.

Condition No. 24: change the word "applicant" to **"Porsche."**

Condition No. 27: "...right-turn lane **on Main Street** or an additional access lane to the freeway **up to a width of 12 feet..."** add: **"As a result of any potential dedication,**

**the subject property may become legal, nonconforming as it pertains to the front yard setback."**

Condition No. 32, 33: change the word "applicant" to "**Porsche.**"

Condition No. 42: change the word "applicant" to "**Watson.**"

Condition No. 46: "**CMC.**"

Condition No. 51: add, "**Screening may comprise vegetation or structures subject to approval by the Planning Division.**"

Condition No. 52: "...construction phases "**that require encroachment into a public right-of-way.**"

Condition No. 59: "Exposed piles of gravel, sand, and dirt "**and similar materials**" shall be enclosed..."

Condition No. 73: change the hours of operation from 8:00 a.m. to "**9:00 p.m.**" Change the word "applicant" to "**Porsche**"; "terminating upon issuance of **a** building permits..."

Condition No. 77: change the word "applicant" to "**applicants.**"

Condition No. 82: change the word "applicant" to "**Porsche.**" "...Payment shall **not exceed \$65,000**, and shall be made prior to issuance of a building permit or another time period as approved by the LACoFD and the city of Carson."

Condition No. 83: change the word "applicant" to "**Porsche**"; "...Remedial Action Plan **provided by Watson** will serve as..."

Condition No. 84: lower case on "**development.**"

Condition No. 84, 85, 89: the word "developer" will be changed to "**applicants.**"

Condition No. 91, 93, 94, 95, 97, 109: change the word "developer" to "**Porsche.**"

Condition No. 100: change the word "developer" to "**applicants**"; change the word "infrastructures" to "**infrastructure.**"

Condition Nos. 104, 105: change the word "developer" to "**applicants.**"

Condition No. 117: change the word "developer's" to "**Porsche.**"

Condition No. 120: "...encountered during construction shall be "**disposed or**" remediated in accordance..."

Planning Officer Repp advised that Condition No. 110 will be deleted, referring to the undergrounding of utilities, renumbering accordingly.

Chairman Faletogo opened the public hearing.

Lloyd Zola, project director ESA, stated that the Porsche building will be certified LEED gold; that they will have special events throughout the year at this facility; provided a power point presentation describing the proposed project; and addressed storm water management and parking accommodations.

James Taylor, project manager for Porsche Cars of North America, highlighted the various courses they will have on site, such as a defensive driving course, ice hill, slippery surface, kick plate simulator, low friction circle, handling circuit, acceleration and braking straight, off-road course, etc.; and advised that a similar facility is being built in Atlanta, Georgia. He mentioned there are 25 Porsche dealerships in California, noting that California is a significant market for Porsche; but added that one does not need to drive a Porsche to use this facility. He stated that they will promote driver safety with local schools. He advised that this site will support a meeting center with conference rooms, a restaurant, restoration center, driving simulators, showroom, etc.

Mr. Zola announced that the public comment period closed last week and that they are ready to proceed to Council for final consideration; he stated that air quality is an issue of concern during the remediation and construction time period, noting these impacts are unavoidable but temporary. He added that the noise ordinance will be met through the mitigation program.

The Commission asked that they be given a final copy of the revisions that have been made.

Mr. Taylor noted for Chairman Faletogo that the Atlanta, GA, facility is currently under construction. He added that Porsche operates two other similar facilities in the U.K. and Germany. He explained that Carson will benefit with additional sales tax revenues and increased employment.

Commissioner Brimmer asked that the palm trees be preserved where possible.

Commissioner Diaz stated he is comfortable with and understands the amended conditions that have been read into the record this evening.

Chairman Faletogo opened the public hearing.

Dr. Rita Boggs, resident, noted her concerns with the potential of hazardous materials migrating offsite, especially concerned for those residents nearby; and urged that every precaution be taken to keep the migration from happening.

David Gamboa, resident, noted his support of this project, believing it will not only benefit the city, but also the university students.

Richard Hernandez, resident, noted his support of this project.

Pilar Hoyos, representing Watson Land Company, welcomed Porsche to the City, noting this is an exciting project for all; and advised that the investment in this venture is significant, pointing out it is all privately funded.

There being no further input, Chairman Faletogo closed the public hearing.

Planning Commission Decision:

Chairman Faletogo moved, seconded by Commissioner Diaz, to concur with staff recommendation. This motion ultimately carried.

By way of a friendly amendment, Vice-Chair Verrett added the amendments made by staff.

By way of a friendly amendment, Commissioner Brimmer asked that the existing palm trees on site be saved to the extent possible.

The friendly amendments were accepted by both makers of the motion. The motion carried (absent Commissioner Williams), thus adopting Resolution No. 12-2452.