Minutes

Planning Commission December 20, 2010
City of Orange Monday 7:00 p.m.

PRESENT: Commissioners Cunningham, Imboden, Merino, and Steiner
ABSENT: None

STAFF
PRESENT: Ed Knight, Assistant Community Development Director
Robert Garcia, Associate Planner
Gary Sheatz, Assistant City Attorney
Sandi Dimick, Recording Secretary

ADMINISTRATIVE SESSION

Vice Chair Cunningham opened the Administrative Session at 6:49 p.m. with a review of the Agenda.

Item No. 1, Omega Society - Vice Chair Cunningham asked the Commissioners if they had any questions on the item? Commissioner Merino stated he had met with the applicant at their request and he would disclose that during open session. Commissioner Steiner asked if the City of Orange previously had a crematorium in the City. Assistant Community Development Director Ed Knight stated he was not certain. Vice Chair Cunningham stated he understood the applicant was asking for changes to some of the language in two of the draft conditions. Associate Planner Robert Garcia stated they were minor changes, changing the word "shall" to "should" and "client" to "family". Vice Chair Cunningham asked for an explanation of a private dedication viewing? Mr. Garcia stated that prior to a cremation, the family might want the opportunity to view the deceased before cremation. Commissioner Steiner asked what were the standards for cleaning of the smoke stacks? Mr. Garcia stated it was a very clean operation and the business would be regulated by the South Coast Air Quality Management District and the applicant would need to obtain a permit through that regulatory agency.

Vice Chair Cunningham asked Mr. Knight for an update of Wahoo's. Mr. Knight stated the building required some structural changes and the site was currently being worked on. The site had been built in phases with different additions over time. When the floor was removed from one of the additions, they found that the floor joists were 6' on center, providing no support. Vice Chair Cunningham stated from all appearances it had not seemed that construction was occurring. Commissioner Imboden asked if the original building in front of the façade still existed. Mr. Knight stated that no longer existed.

There was no further discussion.

Administrative Session adjourned @ 6:57 p.m.

PUBLIC PARTICIPATION: None

REGULAR SESSION:

Consent Calendar: None

NEW HEARINGS:

(1) CONDITIONAL USE PERMIT NO. 2810-10 – OMEGA SOCIETY

A proposal to operate a mortuary and crematorium at an existing industrial building.

LOCATION: 1577 North Main Street

NOTE: This project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per State CEQA Guidelines 15301 (Class 1 – Existing Facilities) because the project consists of the operation and licensing at an existing structure.

RECOMMENDED ACTION:
Adopt Planning Commission Resolution No. 49-10 approving a request to allow a non-traditional mortuary and crematorium request at an existing industrial building.

Associate Planner Robert Garcia presented a project overview consistent with the Staff Report.

Vice Chair Cunningham invited the applicant to address the Commission.

Janet de Michaelis, address on file, stated she was president and owner of the Omega Society and she was pleased to be present to share information. She wanted to address some specifics that she felt were of concern and she actually had the equipment manufacturer on his way to provide additional information. People were concerned when they heard words such as death, mortuary, funeral and crematory and there was a lot of emotion and fear attached to that especially when it was in their neighborhoods and there were concerns of whether people would view dead bodies. Would there be funeral processions, plumes of smoke, would there be ash everywhere and although these concerns were scary, none of these things would be of concern. She would be an exceptional neighbor and no one would even realize they were there.

Mr. Garcia stated that the business was a non-traditional mortuary and when people heard the word mortuary, they thought of big funerals, big chapels and a lot of things happening. However, it was not their business model. The business was definitely non-traditional and they were a family-owned business and not a corporate entity. Her family had been conducting business in Orange County for 37 years. The business was required to be licensed as a funeral home by the State of California, due to the nature of their business. They were not the norm, but the trend in funeral services. The Omega Society's business model was very unusual, but very successful and it was based on streamlined efficiency. It was a very simple and economical process. They existed as a business office that handles a lot of paperwork that was obtained from families, doctors

and county agencies by phone, fax and electronic submission. It was not uncommon for them to never see a family. Customers loved the fact that with one phone call they could get everything done from the beginning to the end and would not require a visit to their office. Remains were scattered at sea, shipped to the family or delivered. Memorial services would not be held at their facility and services were done independently. Her company would handle the cremation and the family would complete their own arrangements with their own church, clubhouse or home and there would not be any involvement with their company for those services. The business was extremely discreet, their vehicles were all unmarked vans that drove right into the garage and the entire operation was out of the public view. They handle very few burials, it was approximately 2% of their business and they were very simple and had required limited services. The deceased would be taken to the cemetery and the services would be held at gravesite. There was no casket showroom and they sold only 3 different types through photos via email. Public traffic was not an issue.

There were a small number of families that would come to their facility for one of two reasons, one reason was that they wanted to be hand held in completing paperwork or two, the family would want to pick up the cremated remains. Appointments were made with the clients and persons were seen one at a time, it was not in the company's interest to have large groups or families arrive all at once. They staggered their appointments. Currently the business operated in Santa Ana in a business park and had been there for the last 30 years. There were 10 offices in that center that shared 40 spaces and there had never been a parking issue. Private viewings were something they could offer, but they were not formal viewings and not a traditional wake. It was a brief opportunity for a handful of family members to be able to ID the body or say a last good bye. They were held very seldom at approximately 2 per week and it would consist of generally a small group of people. There might be an occasion where a family had a large number of brothers and sisters and they would want the opportunity to view the deceased, but that was limited. The services were not very costly and it was in their interest that they kept their services very small and short and it was not an excuse to have a full service funeral at their facility. The viewing requests were limited to approximately 4% of their clients. It was very simple. If families wanted to have a chapel or a more formal service, they would need to do that outside of their facility and those arrangements would need to be done with another chapel or their own church and the Omega Society would have no involvement with that.

No future mortuary would be interested in their site. The site as a traditional mortuary would not offer what they would need; their needs would involve a casket room, a chapel, a large parking lot and a lot of room for a lot of traffic. The only type of mortuary that would be interested in their site would be the same type of business, which was a non-traditional one.

Ms. de Michaelis stated she understood the word crematorium was scary to many people, especially if they were not familiar with it. There were currently 11 crematoriums in Orange County and she probably could make a guess that no one knew where those were. They were undetectable; no one would even know that they existed. There were a

number of them in very upscale neighborhoods, such as Corona Del Mar, Laguna Beach and Laguna Hills and those were near residences and they existed there without any concern to those wealthy neighbors. She knew there were concerns, but the businesses coexisted and no one would know they existed. The proposed building site was located in a heavy industrial zone and was on the books as allowing a crematory with a CUP, and it was designated as such. The site was surrounded by businesses in that M-2 zoning site that had many more incidences of environmental and chemical concerns, more than a crematory would have. She received a phase 1 report and there had been 56 businesses cited in the immediate one mile area of the subject site that had some type of environmental issue occurring. Those could be hazard reports or hazardous waste and there were lots of serious things happening in that neighborhood, which they would not be one of those. She wanted everyone to know that the emissions for a crematory were completely regulated by the AQMD. They were the most stringent in the country and they had already received an application and approval to build their site. She had been told by the equipment manufacturer that the AQMD permit process was the toughest step. The agency had a moratorium on crematories and they would only permit those that abided by their stringent emission standards. People might not realize that a fireplace and a burger joint had much more emissions than a crematory would have. She was paying to obtain equipment that was state of the art because she had not wanted any issues or to worry about the AQMD, or any problems. She was being proactive to offset any future issues. There would be nothing visible, no smell, taste or sound. It would be a state of the art facility. The equipment manufacturer was on his way and when he arrives if they had any questions, he would be available.

Vice Chair Cunningham asked if there were any questions for the applicant or Staff.

Commissioner Steiner stated the applicant had stated that there were 10 crematoriums in Orange County.

Ms. de Michaelis stated there were 11.

Commissioner Steiner asked if they owned any of those other facilities.

Ms. de Michaelis stated none of those were her facilities. They were a primary cremation provider in Orange County and they had not had their own facility, and that was the reason they were opening up a facility to simplify and benefit the consumer. Currently she contracted out her services with another crematorium. The Santa Ana site was just an office. Her interest in the building in the City of Orange was that the zoning and space would allow her to consolidate the operation under her own control. She would reduce liability and the business would be more efficient and economical.

Commissioner Steiner stated it was an expansion of their 37 year mission.

Ms. de Michaelis agreed.

Commissioner Merino stated he had a question for Staff and as a disclosure he had met with the applicant, as other Commissioners had. On page 3 of the Staff Report which spoke to required parking proposed, he wanted to ensure, for the record, that the 20 parking stalls were associated with the specific site and not for the entire business park.

Mr. Garcia stated that was correct.

Commissioner Merino stated the Staff Report listed that there were 8 employees with another 2 anticipated for a total of 10 and it would allow 10 additional spaces for visitors or whoever would be coming to the location.

Ms. de Michaelis stated 2 of her staff members used a company car which was gone from the site most of the day.

Commissioner Merino commented at worst case, there would be 10 spaces occupied with 10 remaining spaces.

Mr. Garcia stated that was correct.

Commissioner Merino stated with the process that was put into the Staff Report, the remaining 10 spaces would be for those individuals that would be coming to the site for whatever process was executed at the site, and he asked the applicant if they had ever encountered a situation where more than 10 parking stalls would be needed?

Ms. de Michaelis stated not that she was aware of and clients generally came in groups in one vehicle or two vehicles. They would control that. She usually told clients that it was a very informal small thing and they could control the number of vehicles. If they were attempting to get a large viewing for a little price, they would be told that they would need to seek another site or services.

Commissioner Merino stated in the Staff Report that he had reviewed, there was no accommodation for a large amount of people in a large viewing room.

Ms. de Michaelis stated that was correct.

Commissioner Imboden stated in regard to the proposed alteration to Condition No. 4, in regard to the 30 minute duration; it appeared that they were going from language that stated duration shall not exceed 30 minutes to language that stated should not exceed 30 minutes and he asked if that was the extent of the change?

Mr. Garcia stated yes that was correct.

Commissioner Imboden asked if that change was in response to the applicant's concern that they would not want to rush family members out after their 30 minutes had passed? There was an implication in the new language; however, would that meet the applicant's concerns?

Ms. de Michaelis stated she had mentioned to Staff that she had not ever wanted to be in a position of kicking out someone who was crying, due to a time limit. They told clients their time was shorter than 30 minutes and by the time they left, it could be a few minutes over, as when someone was grieving they were not always listening. She had not wanted to be in violation of the CUP language.

Commissioner Imboden stated he shared her concern about the time limit, and he asked if both Staff and the applicant were in agreement over the change in language.

Mr. Garcia stated yes.

Vice Chair Cunningham asked what the prior use was at the subject site.

Ms. de Michaelis stated it was a manufacturing or distribution facility for rebar steel rods for construction.

Commissioner Merino stated he would assume that a rebar vendor would end up having more traffic with contractors coming in, leaving, and picking up materials out of the location, more so than the proposed use.

Mr. Garcia stated potentially yes, and if they were open to the public, they would have had more traffic and also for company vehicles.

Commissioner Merino asked if there was any data on that.

Mr. Garcia stated no.

Vice Chair Cunningham opened the hearing for Public Comment.

Terry Smith, address on file, stated he was with Gold Coast Enterprises property management and he was the manager for the association. The members of the association asked him to be present to represent them on a couple of matters. The members were not certain that the business park was made up of a community association by a governing document, similar to a home owner's association. There were rules and regulations and as a business park, they also had rules and regulations. The concerns were directed at enhancing and perfecting the value, durability and desirability of the property and every part thereof. That was a part of the governing documents when an owner came in and the new business could affect the sale of one of the other buildings. He was not certain it would, but asked that the Commission take that into consideration. The 7 other owners had not been made aware of the action until they received the public notice approximately 1 week ago. It was the first time that they were made aware that it was coming about.

The unit in question had been for sale for some time, the entity had come before the community members less than a 1 week ago. Another item that was of concern was the idea of funeral language in the CUP. He spoke with a Staff member and had stated it was

a line item in the CUP. The concern was that there would be an escalation of 10 or 20 people for 20 minutes and that could grow. There was no definition and the language stated funeral. Although it had been stated by the business representative that there would be viewing and 20 people for ½ hour, it could escalate and was that just one activity per day, 3 a day or 4 a day, there was not any clear language and they had not known what that would be. The association had checked with their insurance carriers and the business park carried liability and one of the concerns was that the question could be raised about retail; and it could affect their insurance that the community carried. The words mortuary and activities as such could arise and could increase their costs.

Rachel Vogt, address on file, stated she was the general managing partner of Matrium Warehouse LP, and they were one of the owners of a building in the business park and the president of the association could not be present. She was present to speak to the item on the president's behalf. Several of the business park owners had stated that they were upset with the implications for the long term of having the proposed business in their center, if it would affect the costs of their buildings and would they lose money by having the new business entity there. Her company rented buildings to USDA facilities, food manufacturing plants, and their current tenant, Stir Foods, not only put a lot of money into their building; and even if Stir Foods outgrew their site, they had always wanted to use that building as a food manufacturing facility and they were a little uncomfortable with the type of use of the new business being so close to a food processing facility.

Phil Decarion, address on file, stated he would never imply that the Omega Society should be denied the opportunity to conduct business in the City of Orange. His specific objection to the potential operation in the business park was that he was a food processor. He felt it was a conflict of interest, and he hated to use the term to be cremating and burning dead bodies in the same business park that was a stones throw away from his building; that mixed, cooked and distributed food to chain restaurants, national independents, club stores and retail stores in the area. He would be willing to bet that each of the Commissioners had eaten food that had come from his factory. The building was built in 1988 as a food processing building and he had occupied the building for over 45 years. He was a USDA and FDA inspected facility, and those were without a doubt the toughest regulators in the food processing business. If USDA had an issue with the proposed tenant, they could shut him down and they had that authority.

On site in his facility, they had a federal office that he was not allowed to enter; they were a tough agency to deal with. His business handled 2 truck loads a day of product. If their intake air was contaminated by exhaust, or if the cremation equipment failed and exhaust went into the air and potentially contaminated his food, he was not in a position to lose 2 truckloads of food he could not sell; he could lose clients. He had installed over $750,000.00 of tenant improvements to the site that could not be removed. When he moved they would leave those improvements with the building. There was a ton of space available on the market. He was not stating the Omega Society should not do business in Orange, but he had a problem with them being in his business park. He could literally take a stone and hit the front door of their business and he felt it was a conflict of interest and wanted the Commission to take that into consideration.

Peter Hartwick, address on file, stated he represented Hartwick Combustion Technology; they were the crematory equipment manufacturer. Janet and the Cornerstone crematory provided extremely essential and sensitive services to the public. Her business growth demanded that she continue to offer the valuable service and invest in her business, rather than to contract services out. The investment was comprised of relocation of her existing business and the purchase of additional equipment. She had made the determination to purchase state of the art cremation equipment from his company. He was pleased to speak on her behalf and over the last 20 years, he had the opportunity to install, maintain and service cremation equipment all over the world. There were a wide range of regulations and standards that always had favorable results once the negative preconceived notions were put to rest. What was cremation? Cremation was the process of reducing human remains to basic elements in the form of bone fragments through flame, heat and vaporization. A brief history of cremation; historians generally agreed that cremation began in the early stone age and the earliest concept of cremation arose from peoples regard for the sacred flame and a belief in its great purifying power and a means of transporting a soul to paradise. Today the cremation process was being re-adopted as an acceptable means of disposition of loved ones.

Vice Chair Cunningham stated he apologized for interrupting, however, the speaker had 3 minutes to speak and he felt it would be beneficial if he addressed the air quality issues involved with his equipment.

Mr. Hartwick stated their equipment consisted of a multi chamber refraction design. There was a main chamber where the cremation took place and a mixing chamber that increased the velocity of the gases for complete combustion. There was a retention chamber where the exhaust was slowed and therefore a complete combustion of all the products concerned in the cremation process. The retention time was a critical factor. (The timer sounded for his 3 minute time limit).

Commissioner Steiner stated he realized the speaker's 3 minutes were up, however, he wanted to allow the speaker to complete his comments as he felt it was important that they heard all the information.

Vice Chair Cunningham asked Mr. Hartwick to complete his comments.

Mr. Hartwick stated the equipment contained a secondary combustion chamber, where all unburned materials from the primary chamber would be burned through retention time and extremely high temperatures. There was an acetylene chamber that was also incorporated into the design to capture any particulates that might enter the exhaust stream. There was a pollution control that constantly monitored and correctively reacted to any fluctuations in air and gas ratio to maintain psychometry. They had stack test data that compared their equipment to a fireplace. There were extremely strict air quality standards in place that would closely monitor and check for emission tests and frequent calibrations and maintenance required by operation permits. PM10 seemed to be a big questions, which was particulate matter 10 microns or smaller. There were emission test results with PM10 being the primary factor and he had the results available for the

Commissioners review. The results were .073 grains per dry standard cubic foot and the limit acceptable by the AQMD was .1, they were well under the limitation. An average fireplace emitted .460 lbs per hours of particulate matter – which was a huge difference. The AQMD's permit process, which they had gone through, provided for an overview of the proposed emissions and operation details which could potentially affect the surrounding area. Exhaust dispersion calculations was an aspect of the permit process and determined exhaust concentrations. A health risk analysis was also part of the permit process. A health risk analysis would determine if exhaust would be considered a hazard in operating the cremation equipment. They had been issued a permit to construct, which meant the AQMD had analyzed the data and that the equipment use would not create a health risk under certain conditions. They would establish a through put, which had been done and based on the AQMD permitting and their standards, there would be no health risks to the surrounding area. The permit conditions included minimum operating temperatures, maximum through put, emission testing, minimum emission requirements, maintenance, calibration and a California Certified Operators Compliance. Operations would be monitored and data certified and non-compliance would result in revocation of the operating permit. Mr. Hartwick stated additionally, the equipment noise was less than 60 decibels and it was a fully computer operated system. It was self cooling and ventilated. He was available for questions.

Commissioner Merino stated he had not answered any of his questions because he could not understand half of what was stated. He was just a simple guy, an architect, and not an expert on the systems. If he was another owner of one of the units in the business complex would there be anything visible coming from the new facility, would there be anything rising from the new building or was it completely self contained in the new envelope of the building?

Mr. Hartwick stated the only thing that would be visible would be heat vapors. If you had been to the desert and had seen the heat shimmer off of the hot sand, that would be what would be visible.

Commissioner Merino asked if there would be any particulates or smoke coming from the building?

Mr. Hartwick stated there would be nothing coming from the building. It was clean.

Commissioner Merino stated the concern he had would be that in dealing with any type of machinery would be a spill. His question was if there was something that went wrong with one of the systems, would there be a potential for something to spill from a piece of machinery that had the potential to contaminate or leak into a floor drain and that there could be a potential for human remains polluting the surrounding area?

Mr. Hartwick stated it would be completely impossible. There were fail safes on the equipment; it was a touch screen computer controlled piece of equipment. It was very high tech and if there was an equipment failure it could be accessed remotely. Adjustments could also be made remotely.

Commissioner Merino stated what he was getting at was that if something broke could it leak, there were ashes and if it got wet, what was the potential for something like that to occur? He asked if the business had a leak in their roof would there be the potential for something from the facilities operation that could leak out?

Mr. Hartwick stated absolutely not. The equipment was a hot hearth design and in the 1970's and earlier there were designs that could have potential problems such as the ones that were concerns of Commissioner Merino. Those machines that had the potential for problems were cold hearth. The equipment that would be installed for the Omega Society had a complete after chamber outside of the primary chamber and any fluids or anything created during the cremation process would go to the super heated after chamber and would be completely burned away.

Commissioner Merino stated Mr. Hartwick made it seem that the equipment was completely infallible, and that might be the case, and he asked if there had been situations where the machinery had failed and what had been the outcome?

Mr. Hartwick stated the most common problem that they had experienced was related to operator error. Janet was being proactive in purchasing two machines.

Commissioner Merino stated that was not what he was asking; he was asking if a machine broke what would happen?

Mr. Hartwick stated the system monitored itself and sometimes a thermo coupler would wear out, the machine was programmed to run at maximum scale, which meant that the machine thought it was too hot and would adapt itself to reduce the gases to prevent any worst case scenarios. There were many fail safe protections programmed into the equipment. They underwent mechanical testing and were built in accordance to the NFPA standards and those checks were programmed into the design, they had to design it to accommodate the fail safe.

Vice Chair Cunningham invited the applicant to address any of the comments heard from the public speakers.

Ms. de Michaelis stated she appreciated the concerns posed by Stir Foods and she wanted to remind them that they were already located in a heavy industrial zone that had the potential to have things from the air from just their current neighborhood. There would be no matter that would go into the air from her facility.

Commissioner Imboden asked other than the food uses that had been mentioned, was she aware of any of the other industrial uses in the area?

Ms. de Michaelis stated one of the other uses in the area was Heritage Carbide, they were fabricators of tungsten and silicon carbide parts which were chemical compounds and that business was located just across the street. She had a copy of the phase 1 report which listed surrounding businesses that had some type of environmental impact.

Commissioner Imboden asked if he could review that information.

Ms. de Michaelis provided the report to the Commissioners.

Commissioner Merino stated there were a couple of questions that arose from the public comment; and one of them was in regard to the USDA and any jurisdictional issues and he asked if there had been an issue with a federal agency that might provide input on feedback on an application?

Mr. Garcia stated no, not for an application of the nature of the one brought before them. It was categorically exempt and if the item had required an environmental review, it would have been sent to the proper agency.

Commissioner Merino stated there appears to be members present from some sort of an organization, similar to an HOA, that was representing some type of ownership group, and he asked if there was any ramifications if the ownership group was not in favor of the sale of this property and would that ownership group have a right to refusal? Was the City not exercising due diligence in not having gone to this group and allowing them to do what they would need to do within their complex?

Mr. Garcia deferred the question to Assistant City Attorney, Gary Sheatz.

Mr. Sheatz stated he was not certain what Commissioner Merino was asking.

Commissioner Merino stated if the site had an organization similar to a home owner's association; there were certain requirements that had to be met, for instance in the City of Orange before Planning reviewed construction in an HOA, the architectural review committee within that association would be asked to review or approve the project before it went to the City. His question was had the City missed a step in that the ownership group should have been given the opportunity to review the project before the applicant had gone to the Planning Commission?

Mr. Sheatz stated the City was not bound by their approval; they could entitle the project if it met the requirements and the Planning Commission could make a finding. Any issue that the applicant had on the purchase and any exercise of use would be handled internally with the association, it would be a contractual issue bound by the terms of that contract.

Commissioner Merino stated that was what he was attempting to get to, if there was a step that had to occur prior to the Planning Commission rendering their decision.

Mr. Sheatz stated they were not a party to that agreement, to that contract, the City was not.

Vice Chair Cunningham closed the Public Hearing and brought the item back to the Commission for further discussion or action.

Commissioner Merino stated they had received issues brought forth by the business park association and they had received a letter from them. The issues that had been raised were about parking and he was satisfied that the parking situation was addressed. In the manner that the proposed application would execute their business process, he had determined that there would not be a parking issue. Regarding the air quality, that was under the purview of the AQMD and that should be brought to them in their forum and was beyond the scope of what the Planning Commission could monitor or judge.

As far as the USDA and those concerns that were presented by the business owners association, those were beyond the scope of the Planning Commission and that he felt those issues would be dealt with from a business owner's perspective. It was outside of the purview of the Planning Commission. Clearly, with the areas that were within the purview of the Planning Commission, he felt comfortable in making a finding that the applicant had met the burden with their modification to the conditions and the application was made more stringent and he believed the applicant had acknowledged that all the terms and conditions provided for in the Staff Report were acceptable, with the changes noted, he could support the project.

Commissioner Steiner stated he had no problems with the parking issues and so forth. In taking a look at the requirement for their findings and that a CUP should not be granted if it will cause the deterioration of bordering land uses, he was not concerned about that or create special problems within the area where it was located. He believed, despite the reassurance about the equipment technology, perception was usually reality. He believed that there was a problem with compatibility with the food processing business and he could not support the project.

Commissioner Imboden stated his response was similar to what Commissioner Merino had stated. The parking was spelled out clearly in the Staff Report and would not be a problem and he shared the concerns that Commissioner Steiner raised, however, the difficulty he had was that the opposition that was shared with the Planning Commission used words such as "the USDA could shut them down","their insurance could go up", "our property values could change", and what he had not been given as a decision maker was anything concrete that indicated why those things could happen. There were many things that could happen, but to believe they would happen would require evidence of that. As much as he was interested in hearing the concerns, he felt he had no evidence that would support the concerns. He would be in support of the project.

Vice Chair Cunningham stated he agreed with the comments presented by Commissioners Merino and Imboden and the applicant was entering their space with a use that was less intense and less environmentally impactful than the previous tenants were. The applicant was making a significant investment in ensuring they had state of the art equipment to minimize or eliminate to every extent humanly possible the impact on air quality. He understood since they were speaking of dead bodies, it was a bit difficult for some people and he had heard the concerns raised, however, he was not convinced that whatever was being filtered out by the Stir Foods operation would somehow be affected by anything that would come from the crematorium and no one had

demonstrated that there would be an issue. He had heard that the emissions would be only heat vapor. The AQMD was not known for lack enforcement of their environmental standards. He would support the project.

Commissioner Merino stated in recognition of Commissioner Steiner's concerns and to take into consideration, and it was a point well taken by Commissioner Imboden, that they were making a determination on the facts presented, but if the applicant in the interest of harmony at the location allowed the fellow occupants time to alleviate their concerns, as they only had 10 days of notification. If they could obtain information from the USDA of any potential problems or significantly get information that would support their position, he was wondering if the Commission would have an interest in continuing the item to allow some of the issues to be addressed?

Vice Chair Cunningham stated he would not have an interest in supporting a continuance to allow the people who objected to gather more evidence.

Commissioner Imboden stated his concern was that what could become an outcome of what Commissioner Merino was potentially suggesting was that he was afraid that a large majority of the issues would not be a part of the purview of the Planning Commission. He certainly understood his intentions, and it was admirable, but for himself, he had not felt it would allow a change in his decision making.

Vice Chair Cunningham stated Commissioner Merino's suggestion was driven by fairness and he had not wanted to set a precedent for future applications to allow more time for the public to prepare a case.

Commissioner Merino stated he was in support of the application and that there were jurisdictional issues that were outside of their purview.

Commissioner Merino made a motion to adopt PC Resolution No. 49-10, approving CUP No. 2810-10 - Omega Society, subject to the conditions contained in the Staff Report and with amendments to Conditions No. 3 and 4 as noted in the Staff Report, noting the item was categorically exempt from CEQA.

SECOND: Commissioner Imboden
AYES: Commissioners Cunningham, Imboden, and Merino
NOES: Commissioner Steiner
ABSTAIN: None
ABSENT: None

MOTION CARRIED

(2) ADJOURNMENT:

Adjournment to the next regular Planning Commission Meeting scheduled for Monday, January 17, 2011.

Commissioner Imboden made a motion to adjourn to the next regular scheduled Planning Commission Meeting on January 17, 2011.

SECOND: Commissioner Merino
AYES: Commissioners Cunningham, Imboden, Merino, and Steiner
NOES: None
ABSTAIN: None
ABSENT: None

MOTION CARRIED

Meeting Adjourned @ 7:55 p.m.