



## CITY OF CARSON

### PLANNING COMMISSION STAFF REPORT

PUBLIC HEARING: April 12, 2022

SUBJECT: Appeal of Director Approval of Design Review (DOR)  
No. 1831-20

APPELLANT: Andy Lee  
320 S. Ardmore Avenue Unit 110  
Los Angeles, CA 90020

PROPERTY OWNER: LIT 9<sup>th</sup> Street 223<sup>rd</sup> LLP  
P.O. Box 3388  
Manhattan Beach, 90266

REQUEST: Consider the appeal of the Director's approval of a new 126,013 square foot, tilt-up warehouse building with 6,512 square feet of mezzanine office space, surface parking: including 20 truck loading docks and 2 truck/forklift doors.

PROPERTY INVOLVED: 1055 E. Sandhill Avenue

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#### **COMMISSION ACTION**

AYE	NO		AYE	NO	
		Chairperson Thomas			Monteclaro
		Vice Chair Palmer			D. Thomas
		Diaz			Rashad
		Guerra			Hernandez
		Huff			Alt. Docdocil Alt. Mfume Alt. Wilson

***Item No. 5A***

**EXHIBIT NO. 1**

**On the regularly scheduled Planning Commission meeting of March 22, 2022, the item was continued to the Planning Commission's regularly scheduled meeting of April 12, 2022.**

## **I. Introduction**

### **Appellant**

Andy Lee  
320 S. Ardmore Avenue Unit 110  
Los Angeles, CA 90020

### **Property Owner**

Rexford Industrial LLC  
11620 Wilshire Blvd., 10<sup>th</sup> Floor  
Los Angeles, CA 90025

## **II. Project History**

On July 21, 2020, the Department of Community Development received an application from Rexford Industrial, LLC for real property located at 1055 E. Sandhill Avenue, requesting approval of Site Plan and Design Review No. 1831-20 to demolish a former General Mills industrial facility and associated ancillary structures and construct a new 127,000 square foot tilt-up warehouse with surface parking.

Rexford Industrial is a Southern California based industrial real estate investment and Management Company specializing in logistics and e-commerce solutions with their headquarters in Los Angeles, CA. Rexford Industrial was established in 2013, and focuses exclusively on investing in industrial properties throughout Southern California.

On August 24, 2021, Planning staff prepared a report to present to the Planning Commission for its consideration of issuance of a Site Plan and Design Overlay Review approval for the project pursuant to Carson Municipal Code ("CMC") Section 9172.23 ("Site Plan and Design Review"), based on staff's belief at that time that the project was located in the City's Design Overlay Zone, but before the public hearing took place the applicant tabled the matter. In the ensuing weeks, staff determined the project does not actually require approval pursuant to CMC 9172.23 because it is not in fact located in the Design Overlay Zone. (See, e.g., Exhibit No. 2, CMC §§9113.2, 9126.9, 9172.23). Accordingly, and based on the ML (Manufacturing Light) Zoning in which the project is a permitted use, staff determined that review should be solely ministerial.

Staff moved forward with an administrative review and approval process which did not include Site Plan and Design Overlay Review per CMC 9172.23 or CEQA review, and on January 12, 2022, the Director conditionally approved the project subject to the plan check process from the various City departments.

On February 11, 2022, Mr. Andy Lee filed an appeal with the City Clerk (which was received by the City Clerk on February 14, 2022) on the grounds set forth in the Appeal Application attached to this report as Exhibit No. 3, including that the proposal should have gone through CEQA review and received Site Plan and Design Overlay Review approval from the Planning Commission. The appeal was accepted by the City Clerk's office on March 10, 2022, as set forth in the Notice of Acceptance attached to this report as Exhibit No. 4.

### III. Project Site and Surrounding Land Uses

The subject property site is located in the ML zone and is designated Light Industrial under the Land Use Element of the General Plan. The subject property is located on the north side of the Gardena Freeway between Central Avenue and Avalon Boulevard.

Land uses surrounding the project site are primarily light-industrial uses.



Figure (a) Project Site in context to surrounding zoning

The following table provides a summary of information regarding the project site:

Site Information	
General Plan Land Use	Light Industrial
Zone District	ML (Manufacturing, Light)
Site Size	5.7 acres
Present Use and Development	Formerly a General Mills yogurt processing facility
Surrounding Uses/Zoning	North: Open Space, OS South: Light Industrial, ML East: Light Industrial, ML West: Light Industrial, ML
Access	Ingress/Egress: Sandhill Avenue

### IV. Analysis

#### Site History

The subject property has historically been an industrial property. General Mills used the property from 1978 until March 2020 as a refrigerated yogurt production plant. Along with the food processing facility, there are seven existing structures that will also be demolished as part of the project as approved by the Director.

There is an oil well on the site that was previously abandoned on November 4, 1960. A leak test was conducted by the applicant in March 2021 with no leak being detected. The abandoned oil well will remain accessible for future maintenance if necessary.



### Site Plan

The subject property measures approximately 5.7 acres. The warehouse building as approved by the Director includes approximately 119,500 square feet of warehouse space with 6,512 square feet of office space. A new parking lot will be installed that will include American with Disabilities Act (ADA)-accessible parking. Landscape planters with permanent irrigation and a trash enclosure will also be installed. The project involves the complete demolition and removal of the existing food processing facility and seven other associated structures currently existing on the site.

### Access

The warehouse and office facility as approved by the Director will have pedestrian and two vehicular access points from Sandhill Avenue.

### Fencing

An 8' foot high wrought iron fence will be installed along the northern, eastern, and western perimeter facing adjoining businesses. Shrubs will also be planted at the northern property line to ensure screening from the neighboring residential properties to the north.

### Parking

Staff determined the project met applicable parking requirements. CMC Section 9162.21 (Parking Spaces Required) requires 1 parking space for every 1,500 square-foot of gross floor area for warehouse purposes and 1 space for every 300 square feet of office space. CMC Section 9162.24 (Automobile Parking Spaces requires for Mixed Uses) states that office space incidental to warehouse or other industrial uses shall have its required parking spaces computed at the same ratio as the industrial use, provided the office space does not exceed ten percent of the total gross floor area. The project requires 84 parking spaces: 80 for warehouse ( $119,501 \text{ sf} / 1,500 = 79.67$ ) and 4 for office ( $6,512 \text{ sf} / 1,500 = 4.34$ ). The project as approved by the Director provides for 130 parking spaces; 94 standard stalls, 30 compact stalls, and 6 ADA compliant parking stalls.



### Building and Architecture

The project is designed in a modern architectural style combining painted concrete blocks, metal canopies, clear anodized mullions, and blue high-performance glazing. Large openings with reflective glass have been used along the Sandhill Avenue façade to create an office-like appearance. Articulation of the concrete panels interspersed with the use of different color tones effectively breaks-up the façade and creates an interesting design aesthetic.

### Signage

CMC Section 9146.7 (Signs) allows two square feet of signage for every one linear foot of lot frontage for the first one hundred (100) feet, plus one-half (1/2) times the frontage in excess of one hundred (100) feet. The warehouse and office facility as approved by the Director has approximately 800 feet of lot frontage along Sandhill Avenue, allowing 550 square feet of signage. The applicant has not proposed signage at this time.

### Landscaping

Staff determined the project met applicable landscaping requirements. Carson Municipal Code Section 9162.52 (Landscaping Requirements) requires automobile parking facilities and any parking facilities visible from the public right-of-way to have interior landscaping with permanent irrigation of not less than 5%. The project provides for installation of approximately 35 feet of landscaping in the front, adjacent to Sandhill Avenue, over and above the required 20 feet of front yard setback. In addition, interior parking lot landscaping is provided all along the periphery of the property on the North, West, and East side, and along the interior lot line on the North, West, and East side. A total of 32,907 square feet of landscaping is provided, which totals to about 13% of the land area.

### Environmental

Staff determined that CEQA review is not applicable to the proposed development because it is not a discretionary project within the meaning of CEQA, as no discretionary City entitlement is required for approval of the project. (See, e.g., Cal. Pub. Res. Code §21080(a)-(b)).

## **V. Legal Standard on Appeal**

It is important to note that for this matter, the Planning Commission is not tasked with making an initial or primary determination on whether or not to grant a specified entitlement as is usually the case with projects that come before the Planning Commission. For example, the Planning Commission is not to determine whether the required findings of CMC 9172.23 are met here. Instead, the Director determined that CMC 9172.23 does not apply and conditionally approved the project ministerially, and the Planning Commission's task is to make a decision on the appeal that was filed challenging that Director's decision based on the grounds set forth in the Appeal Application. The standard of review is therefore different than usual, and it is detailed below.

CMC 9173.4(A) provides that any decision made by the Director pursuant to the City's Zoning Ordinance may be appealed to the Commission. Any decision made by the Commission pursuant to the Zoning Ordinance may in turn be appealed to the Council.

CMC 9173.4(B)(2) provides that an appeal shall be filed, in the case of an action by the Director, within fifteen (15) days of the date of the notice of decision. Per CMC 9173.32, for each decision, notice of the decision shall be sent by first class mail to: (i) The applicant or person initially requesting consideration of the matter; and (ii) Each person who has

filed a written request therefor. Per CMC 9173.33, except as otherwise provided in the decision or by law, decisions made by the Director pursuant to the Zoning Ordinance shall become effective fifteen (15) days from the date of the written notice containing the decision, unless appealed.

CMC 9173.4(C) provides that “[e]xcept as otherwise provided in [the Zoning Ordinance]”, in acting on an appeal the appellate body may:

- a. Affirm the decision; or
- b. Modify the decision; or
- c. Refer the matter back to the body from which the appeal originated, with instructions; or
- d. Reverse the decision.

Per CMC 9173.4(C)(3), “[u]nless referred back to the body from which the appeal originated, the appellate decision shall be supported by written findings.” Per CMC 9173.4(D), “[t]he appellate body shall, within sixty (60) days of the filing of an appeal, act to either affirm, reverse, modify, continue or refer matter back.”

After conducting the public hearing, including hearing the arguments presented by both the appellant and the project applicant/property owner, the Planning Commission will need to decide whether to affirm the Director’s decision, modify the Director’s decision, refer the matter back to the Director with instructions, or reverse the decision. However, the Planning Commission’s decision must be supported by written findings unless the Commission decides to refer the matter back to the Director with instructions. So, if the Commission sees fit to select any of the other three alternatives, staff recommends that the Commission provide direction to staff regarding the preferred alternative and the findings to support same, and direct staff to then prepare the resolution with proposed written findings for adoption by the Planning Commission at its next meeting (without a further public hearing on the matter, assuming the hearing is completed/closed at tonight’s meeting).

## **VI. Public Notice**

Notice of public hearing was published in the newspaper on March 10, 2022. Notices were mailed to property owners and occupants within a 750’ radius and posted to the project site by March 12, 2022. The agenda was posted at City Hall no less than 72 hours prior to the Planning Commission meeting.

## **VII. Recommendation**

1. Open public hearing, take public comment, and close the public hearing.
2. Provide direction to staff regarding preparation of a resolution with written findings supporting a decision on the appeal pursuant to CMC 9173.4(C) for adoption at the next Planning Commission meeting.

## **VIII. Exhibits**

1. Director’s Letter of Approval (with attachments)
2. Map of Design Overlay Zone and Project Site
3. Appeal Application
4. Notice of Acceptance

Prepared by: Alvie Betancourt, Planning Manager



# City of Carson

January 12, 2022

RJ Rieves  
Rexford Industrial LLC  
11620 Wilshire Blvd., 10<sup>th</sup> Floor  
Los Angeles, CA 90025

VIA EMAIL

**SUBJECT: DESIGN OVERLAY REVIEW (DOR) 1831-20 – 127,000 SQUARE FOOT  
TILT-UP WAREHOUSE – 1055 E. SANDHILL AVENUE;  
APN: 7319001034**

Dear Mr. Rieves:

Thank you for the opportunity to assist with your development needs. Staff has reviewed your proposal to permit a new 126,013 square foot, tilt-up warehouse building with included 6,512 mezzanine office space with surface parking: including 20 truck loading docks and 2 truck/forklift door at 1055 Sandhill Avenue. The 5.7-acre project site is located within the Manufacturing Light zone with a General Plan land use designation of Light Industrial.

The Planning Division of the City of Carson acted upon your application, received on July 21, 2020, and your request has been **conditionally approved**. Approval is solely for the subject property 1055 E. Sandhill Avenue, APN: 7319001034. *The adjacent Southern California Edison (SCE) property, APN: 7319001802, is not included in this entitlement and the user of this property is prohibited from utilizing the SCE property for any purpose. The adjacent SCE property shall only be accessed and utilized by SCE and its employees. The developer, property owner, or future tenants shall not sub-lease the adjacent SCE property for any use.*

Included in this letter are the Conditions of Approval for this application. Under the provisions of the Carson Municipal Code, the action taken by the Planning Division is final and effective fifteen days after the date of approval unless within such time an appeal is filed with the City Clerk in accordance with the provisions of the Carson Zoning Ordinance.

If you have any questions, please contact Kaneca Pompey, Assistant Planner at (310) 952-1761 ext. 1327 or [kpompey@carsonca.gov](mailto:kpompey@carsonca.gov).

Sincerely,  
Saied Naaseh  
Community Director

Attachments:

1. Findings and Conditions of Approval – DOR 1831-20
2. Site Development Plans received November 9, 2021 – DOR 1831-20
3. Landscape Plan received November 9, 2021—DOR 1831-20

c: Alvie Betancourt, Planning Manager  
Kaneca Pompey, Assistant Planner

**CITY OF CARSON  
COMMUNITY DEVELOPMENT DEPARTMENT  
PLANNING DIVISION**

**EXHIBIT "B"  
CONDITIONS OF APPROVAL  
DESIGN OVERLAY REVIEW NO. 1831-20**

**I. GENERAL CONDITIONS**

1. ***Interim Development Impact Fee:*** In accordance to Article XI (Interim Development Impact Fee Program) of the Carson Municipal Code and the current Fiscal Year 2021-2022 fees (effective July 1, 2021 through June 30, 2022) the applicant, property owner, and/or successor to whom these project entitlements are assigned ("Developer") shall be responsible for payment of a one-time development impact fee at the rate of \$2.63 per square foot of industrial building constructed. The proposed development includes development impact fees estimated at \$331,414.19 [126,013 sq.ft. (Proposed Project) X \$2.63 per unit = \$331,414.19). If the Project increases or decreases in size, the development impact fee amount will be adjusted accordingly at the same rate.

Additionally, subject to the review, verification, and approval of the Community Development Director, the applicant may be eligible for development impact fee credits for demolition of an existing permitted structure or structures. Awarded fee credits shall reduce the final development impact fee amount and are applied when development impact fees are due. Final development impact fee amounts are calculated and due prior to issuance of a building permit in one lump sum installment. Fees are subject to adjustments every July 1<sup>st</sup> based on State of California Construction Cost Index (Prior March to Current March Adjustment). No building permits shall be issued prior to the full payment of the amount.

To understand the requirements in more detail, please contact James Nguyen at [jnguyen@carsonca.gov](mailto:jnguyen@carsonca.gov) or 310-952-1700 ext. 1310.

2. ***Funding Mechanism for Ongoing Services/Community Facilities District:*** The Developer is required to establish a funding mechanism to provide an ongoing source of funds to mitigate the impacts of the proposed development on city services on an ongoing basis.

In 2018, City adopted Community Facilities District (CFD) No. 2018-01 and may adopt a similar community facilities district in the future to use instead of CFD No. 2018-01 (collectively referred to herein as the "CFD") to fund the ongoing costs of City services permitted by the CFD, including the maintenance of parks, roadways, and sidewalks and other eligible impacts of the Project within the CFD (the CFD Services). The City uses this mechanism for projects wanting to join the CFD as a means to satisfy the condition to mitigate impacts on services. In 2019, the City undertook a Fiscal Impact Analysis ("FIA") and uses the analysis generally to determine the impacts in CFD No. 2018-01.

Based on the FIA, the subject property falls under the "Industrial Zone 1" category. Based on a 5.79-acre development, the current estimated annual amount for ongoing services is \$17,342, subject to annual adjustments. Prior to building permit issuance, Developer shall demonstrate compliance under this section either through: (1) Annexing into a City CFD; or (2) Establishing a funding mechanism to provide an ongoing source of funds for ongoing services, acceptable to the City.

This condition may be satisfied by annexing the subject property to the CFD with the rate comparable to that of the FIA, or by requesting the City undertake a Fiscal Impact Study by a consultant chosen by the City with respect to the subject property with similar scope and standards as the FIA and paid for by the Developer to set the rate of the CFD for the subject property. Should another Fiscal Impact Study be undertaken, a lower or higher rate may be required for the mitigation of impacts based on the Study. The Developer may also provide another mechanism for satisfying the requirement to mitigate impacts that is acceptable to the City Council.

To understand the requirements in more detail, please contact James Nguyen at [jnguyen@carsonca.gov](mailto:jnguyen@carsonca.gov) or 310-952-1700 ext. 1310.

3. If a building permit for Site Plan and Design Review No. 1831-20 is not issued within **two years** of the effective date of the approved Planning Division determination, the entitlement shall be declared null and void unless an extension of time is previously approved by the Planning Division.
4. The approved Resolution, including these Conditions of Approval, and signed Affidavit of Acceptance, shall be copied in their entirety and placed directly onto a separate plan sheet behind the cover sheet of the development plans prior to Building and Safety plan check submittal. Said copies shall be included in all development plan submittals, including any revisions and the final working drawings.
5. Developer shall submit two complete sets of plans that conform to all the Conditions of Approval, to be reviewed and approved by the Planning Division prior to the issuance of a building permit.
6. Developer shall comply with all city, county, state and federal regulations applicable to this project.
7. Any substantial project revisions will require review and approval by the Planning Division. Any revisions shall be approved by the Planning Division prior to Building and Safety plan check submittal.
8. The applicant and property owner shall sign an Affidavit of Acceptance of these conditions of approval, in a form approved by the Director, and shall submit the signed Affidavit of Acceptance to the Planning Division within 30 days of receipt of the Planning Division Determination.
9. A modification of these conditions, including additions or deletions, may be considered upon filing of an application by the owner of the subject property or his/her authorized representative in accordance with Section 9173.1 of the Zoning Ordinance.
10. It is further made a condition of this approval that if any condition is violated or if any law, statute, or ordinance is violated, this permit may be revoked by the Planning Division or City Council, as may be applicable; provided the Developer has been given written notice to cease such violation and has failed to do so for a period of thirty days.
11. Precedence of Conditions. If any of these Conditions of Approval alter a commitment made by the Developer in another document, the conditions enumerated herein shall take precedence unless superseded by a Development Agreement, which shall govern over any conflicting provisions of any other approval.
12. City Approvals. All approvals by City, unless otherwise specified, shall be by the department head of the department requiring the condition. All agreements, covenants, easements, deposits and other documents required herein where City is a party shall be in a form



approved by the City Attorney. The Developer shall pay the cost for review and approval of such agreements and deposit necessary funds pursuant to a deposit agreement.

13. Deposit Account. A trust deposit account shall be established for all deposits and fees required in all applicable conditions of approval of the project. The trust deposit shall be maintained with no deficits. The trust deposit shall be governed by a deposit agreement. The trust deposit account shall be maintained separate from other City funds and shall be non-interest bearing. City may make demands for additional deposits to cover all expenses over a period of 60 days and funds shall be deposited within 10 days of the request therefor, or work may cease on the Project.
14. Indemnification. The applicant, property owner, and tenant(s), for themselves and their successors in interest (“Indemnitors”), agree to defend, indemnify and hold harmless the City of Carson, its agents, officers and employees, and each of them (“Indemnitees”) from and against any and all claims, liabilities, damages, losses, costs, fees, expenses, penalties, errors, omissions, forfeitures, actions, and proceedings (collectively, “Claims”) against Indemnitees to attack, set aside, void, or annul any of the project entitlements or approvals that are the subject of these conditions, and any Claims against Indemnitees which are in any way related to Indemnitees’ review of or decision upon the project that is the subject of these conditions (including without limitation any Claims related to any finding, determination, or claim of exemption made by Indemnitees pursuant to the requirements of the California Environmental Quality Act), and any Claims against Indemnitees which are in any way related to any damage or harm to people or property, real or personal, arising from Indemnitors’ operations or any of the project entitlements or approvals that are the subject of these conditions. The City will promptly notify Indemnitors of any such claim, action or proceeding against Indemnitees, and, at the option of the City, Indemnitors shall either undertake the defense of the matter or pay Indemnitees associated legal costs or shall advance funds assessed by the City to pay for the defense of the matter by the City Attorney. In the event the City opts for Indemnitors to undertake defense of the matter, the City will cooperate reasonably in the defense, but retains the right to settle or abandon the matter without Indemnitors’ consent. Indemnitors shall provide a deposit to the City in the amount of 100% of the City’s estimate, in its sole and absolute discretion, of the cost of litigation, including the cost of any award of attorneys’ fees, and shall make additional deposits as requested by the City to keep the deposit at such level. If Indemnitors fail to provide or maintain the deposit, Indemnitees may abandon the action and Indemnitors shall pay all costs resulting therefrom and Indemnitees shall have no liability to Indemnitors.
15. **The adjacent Southern California Edison property, APN: 7319001802, is not included in this entitlement and the user of this property is prohibited from utilizing the SCE property for any purpose.**
16. **The adjacent Southern California Edison property shall only be accessed and utilized by SCE and its employees.**
17. **The developer, property owner, or future tenants shall not sub-lease the adjacent Southern California Edison property for any use.**

## **II. AESTHETICS**

1. There shall be no deviation of architectural design or details from the approved set of plans. Any alteration shall be first approved by the Planning Division.
2. Down spouts shall be interior to the structure or architecturally integrated into the structure to the satisfaction of the Planning Division.

3. Any roof-mounted equipment shall be screened to the satisfaction of the Planning Division.
4. Graffiti shall be removed from all areas within twenty-four (24) hours of written notification by the City of Carson, including graffiti found on perimeter walls and fences. Should the graffiti problem persist more than twice in any calendar year, the matter may be brought before the Planning Division for review and further consideration of site modification (i.e. fencing, landscaping, chemical treatment, etc.).
5. The proposed project site shall be maintained free of debris, litter and inoperable vehicles at all times. The subject property shall be maintained to present an attractive appearance to the satisfaction of the Planning Division.
6. No outdoor storage of materials shall be permitted on the property at any time.

### **III. FENCES/WALLS**

1. Perimeter walls and fences shall be architecturally coordinated with the project building and subject to the approval of the Planning Division.
2. **An 8-foot high wrought-iron fence shall be installed along the east property line, to the satisfaction of the Planning Division.**
3. **An 8-foot high wrought-iron fence shall be installed along west property line adjacent to the alley, to the satisfaction of the Planning Division.**
4. **An 8-foot high wrought-iron fence shall be installed along the north property line, to the satisfaction of the Planning Division.**

### **IV. LANDSCAPE/IRRIGATION**

1. Landscaping shall be provided with a permanently installed, automatic irrigation system and operated by an electrically timed controller station set for early morning or late evening irrigation.
2. Installation of 6" x 6" concrete curbs is required around all landscaped planter areas, except for areas determined by National Pollutant Discharge Elimination System (NPDES) permit or other applicable condition of approval that requires certain landscaped areas to remain clear of concrete curbs for more efficient storm water runoff flow and percolation. Revised landscaping and irrigation plans shall be reviewed and approved by the Planning Division should subsequent modifications be required by other concerned agencies regarding the removal of concrete curbs.
3. The proposed irrigation system shall include best water conservation practices.
4. Installation, maintenance, and repair of all landscaping shall be the responsibility of the property owner.
5. **All new and retrofitted landscape area of 500 square feet or greater (in the aggregate) is subject to the Model Water Efficient Landscape Ordinance (MWELo) per Department of Water Resources (Chapter 2.7 of Division 2 of Title 23 of the California Code of Regulations).**
6. **Fern Pine trees shall be installed along the north property line, to the satisfaction of the Planning Division**
7. Maintenance and repair of all landscaping shall be the responsibility of Developer.

8. Prior to Issuance of Building Permit, the Developer shall submit two sets of landscape and irrigation plans drawn, stamped, and signed by a licensed landscape architect. Such plans are to be approved by the Planning Division.

**V. LIGHTING**

1. Developer shall provide adequate lighting for the parking areas to the satisfaction of the Director.
2. All exterior lighting shall be provided in compliance with the standards pursuant to Section 9147.1 of the Zoning Ordinance.
3. Such lights are to be directed on-site in such a manner as to not create a nuisance or hazard to adjacent street and properties, subject to the approval of the Planning Division.

**VI. PARKING/TRAFFIC**

1. All driveways shall remain clear. No encroachment into driveways shall be permitted.
2. All areas used for movement, parking, loading, or storage of vehicles shall be paved and in accordance with Section 9162.0 of the Zoning Ordinance.
3. **Developer shall install stop signs at each exit driveway for the project site.**
4. **Developer shall prepare a plan to paint or remove red curb, whichever is applicable, on the north side of Sandhill Avenue along the project's frontage to accommodate sight distance at driveways and maximize parking. The plan shall be submitted to the City traffic engineer for review and approval.**
5. **Any work that takes place within the public right-of-way shall obtain a City-approved traffic control plan prior to the beginning of work.**

**VII. TRASH**

1. Trash collection from the project site shall comply with the requirements of the City's trash collection company.

**VIII. UTILITIES**

1. All utilities and aboveground equipment shall be constructed and located pursuant to Section 9146.8 of the Zoning Ordinance, unless otherwise provided for in these conditions.
2. Any aboveground utility cabinet or equipment cabinet shall be screened from the public right-of-way by a decorative block wall or landscaping, to the satisfaction of the Planning Division.

**IX. BUILDING AND SAFETY DIVISION**

1. Applicant shall submit development plans for plan check review and approval.
2. Developer shall obtain all appropriate building permits and an approved final inspection for the proposed project.
3. Prior to issuance of building permit, proof of worker's compensation and liability insurance for Developer must be on file with the Los Angeles County Building and Safety Division.

**X. FIRE DEPARTMENT**

Developer shall obtain approval and comply with all Los Angeles County Fire Department requirements for the proposed development.

**XI. ENGINEERING SERVICES DEPARTMENT – CITY OF CARSON**

1. The Developer shall submit an electronic copy of **approved** plans (*such as, Sewer, Street and/or Storm Drain Improvements, Grading, etc., whichever applies*), to the City of Carson – Engineering Division, prior to issuance of any permit by Engineering Division.
2. Any existing off-site improvements damaged and/or damaged during the construction shall be removed and reconstructed per City of Carson PW Standard Drawings and to the satisfaction of the City Engineer.
3. A construction permit is required for any work to be done within the public right-of-way.
4. Proof of Worker's Compensation and Liability Insurance shall be submitted to the City prior to issuance of any permit by Engineering Division.
5. Construction bond for all work to be done within the public right of way shall be submitted and approved by Engineering Division prior to the issuance of any encroachment permits.
6. The Developer shall provide recorded covenant to address drainage maintenance/responsibilities.
7. The Developer shall provide traffic study to address the Ingress/Egress into and out of the property.
8. Soils report, sewer area study, drainage concept, hydrology study and stormwater quality plan shall be reviewed and approved by Engineering Division.
9. The Developer shall submit a sewer area study to the Los Angeles County Department of Public Works (LACDPW) to determine if capacity is adequate in the sewerage system to be used as the outlet for the sewer of this development. If the system is found to have insufficient capacity, the problem must be addressed and resolved to the satisfaction of the L.A. County Sewer Department.
10. The Developer shall install separate sewer laterals as recommended in the sewer study.
11. The Developer shall provide will serve letter from the water purveyor to serve this development.
12. Drainage/Grading plan shall be prepared by a registered Civil Engineer, to the satisfaction of the City of Carson and Los Angeles County Department of Public Works.
13. The Developer shall comply with applicable LID requirements (*Carson Municipal Code 5809*) and shall include Best Management Practices necessary to control storm water

pollution from construction activities and facility operations to the satisfaction of Building and Safety.

14. The Developer shall send a print of the development site plan to the County Sanitation District, to request for annexation. The request for annexation must be approved prior to the issuance of any permit.
15. Landscaping plans within the public right of way shall be submitted for approval prior to the issuance of any permits

Prior to issuance of **Building Permit**, the proposed development is subject to the following:

16. The Developer shall submit improvement plans to the Engineering Division showing all the required improvements in the public right of way for review and approval of the City Engineer. A copy of approved conditions of approval shall be attached to the plans when submitted.
  - a. Street Improvements, including driveway approach, underground utilities, streetlights on Sandhill Avenue, and parkway landscaping along Sandhill Avenue.
  - b. Sewer laterals to Sandhill Avenue as required per the aforementioned sewer area study.
  - c. Storm Drain/Drainage or parkway drain Improvements (if any) along Sandhill Avenue.

Prior to issuance of **Certificate of Occupancy**, the proposed development is subject to the following:

17. The Developer shall comply with all requirements from L.A. County Sewer Maintenance Division for maintenance of new and/or existing sewer main, relating to this development, prior to release of all improvement bonds.
18. The Developer shall construct and guarantee the construction of all required drainage infrastructures in accordance with the requirements and recommendations of the hydrology study, subject to the approval of the City Engineer.
19. The Developer shall repair any broken or raised/sagged curb and gutter within the public right of way along Sandhill Avenue fronting this proposed development per City of Carson PW Standard Drawings and to the satisfaction of the City Engineer.
20. The Developer shall construct the driveway approach for this proposed development per City of Carson PW Standard Drawings to comply with the ADA requirements and to the satisfaction of the City Engineer.
21. All street cuts for utility construction purposes shall be repaired by the Developer per the City's utility trench repair standard.
22. Developer shall plant approved parkway trees on locations where trees in the public right of way along Sandhill Avenue abutting this proposed development per City of Carson PW Standard Drawings Nos. 117, 132, 133 and 134.



23. Developer shall install irrigation system for the purpose of maintaining the parkway trees to be planted within the public right of way along Sandhill Avenue abutting this proposed development.
24. All new utility lines servicing the proposed development shall be underground to the satisfaction of the City Engineer.
25. Comply with any additional requirements, if any, as means of mitigating any traffic impacts as identified in the traffic study approved by the City Traffic Engineer.
26. Install striping and pavement legend per City of Carson PW Standard Drawings.
27. Streets fronting the development shall be cold planed and overlaid with 1.5"-2.5" AC Concrete by Developer to provide a positive cross fall, from curb-to-curb as approved by the City Engineer. Slurry Seal materials shall be rubberized emulsion aggregate slurry (REAS).
28. All infrastructures necessary to serve the proposed development (water, sewer, storm drain, and street improvements) shall be in operation prior to the issuance of Certificate of Occupancy.
29. The Developer shall pay any applicable Public Works/Engineering fees prior to the issuance of the Certificate of Occupancy.

Prior to issuance of **Building Permit**, the proposed development is subject to the following:

30. Per Carson Municipal Code Section 5809, Developer shall comply with all applicable Low Impact Development (LID) requirements and shall include Best Management Practices necessary to control storm water pollution from construction activities and facility operations to the satisfaction of the City Engineer.
31. Developer shall apply for a *Construction Activities Stormwater General Permit* from the State Water Resources Control Board.
32. Developer shall provide a copy of an approved SWPPP stamped by Los Angeles County Building and Safety Division along with WDID number.
33. Developer shall provide contact information of the Qualified Storm Water Developer (QSD) and/or Qualified SWPPP (Storm Water Pollution Prevention Plan) Developer (QSP) of the site to Julio Gonzalez via E-mail [JGonzalez@Carson.ca.us](mailto:JGonzalez@Carson.ca.us)
34. Developer shall concurrently submit digital copies of the LID/NPDES/Grading Plans, hydrology and Hydraulic analysis concurrently to City of Carson, Engineering Services Department and the Los Angeles County Building & Safety Division. Deliver copy to Julio Gonzalez via E-mail to [JGonzalez@Carson.ca.us](mailto:JGonzalez@Carson.ca.us).
35. Developer shall complete, sign and return the *Stormwater Planning Program LID Plan Checklist* form and return to City of Carson Engineering Services Division.

Prior to issuance of **Certificate of Occupancy**, the proposed development is subject to the following:

36. For any structural and/or treatment control device installed. Developer shall record a maintenance covenant pursuant to Section 106.4.3 of the County of Los Angeles Building Code and title 12, Chapter 12.80 of the Los Angeles County Code relating to the control of pollutants carried by storm water runoff. In addition, an exhibit shall be attached to identify the location and maintenance information for any structural and/or treatment control device installed.
37. Developer shall complete and submit digital BMP Reporting Template Spreadsheet to Sustainability Administrator, Julio Gonzalez at [JGonzalez@carson.ca.us](mailto:JGonzalez@carson.ca.us)
38. Covenant shall be reviewed and approved by the City Engineer prior to recordation with the Los Angeles County Registers Recorder/County Clerk.
39. RECORDATION is the responsibility of the Developer. Provide a copy of the recorded covenant agreement to City Engineer
40. Inspection will be conducted once a year after all Post Construction Best Management Practices (BMP) are constructed.
41. Developer shall provide an approved Notice of Termination (NOT) by the State Water Resources Control Board.

## **XII. BUSINESS LICENSE**

1. All parties involved in the subject project including but not limited to contractors and subcontractors are required to obtain a City business license per Section 6310 of the Carson Municipal Code.

## **XIII. MITIGATION MEASURES**

### **1. *Air Quality***

- a. The project shall utilize off-road diesel-powered construction equipment that meets or exceeds the California Air Resources Board (CARB) and United States Environmental Protection Agency (USEPA) Tier 4 Final off-road emissions standards or equivalent for equipment rated at 50 horsepower (hp) or greater during project construction. Such equipment shall be outfitted with Best Available Control Technology (BACT) which means a CARB certified Level 3 Diesel Particulate Filter or equivalent.

### **2. *Cultural Resources.***

- a. Prior to issuance of demolition permit, the Applicant shall retain a qualified Archaeologist who meets the Secretary of the Interior's Professional Qualifications Standards (Qualified Archaeologist) to oversee an archaeological monitor who shall be present during construction excavations such as demolition, clearing/grubbing, grading, trenching, or any other construction excavation activity associated with the project. The frequency of monitoring shall be based on the rate of excavation and grading activities, proximity to known archaeological resources, the materials being excavated (younger alluvium vs. older alluvium), and the depth of excavation, and if found, the abundance and type of archaeological resources encountered, as determined by the Qualified Archaeologist). Full-time field observation can be

reduced to part-time inspections or ceased entirely if determined appropriate by the Qualified Archaeologist. Prior to commencement of excavation activities, an Archaeological and Cultural Resources Sensitivity Training shall be given for construction personnel. The training session shall be carried out by the Qualified Archaeologist and shall focus on how to identify archaeological and cultural resources that may be encountered during earthmoving activities and the procedures to be followed in such an event.

- b. If human remains are encountered unexpectedly during implementation of the project, State Health and Safety Code section 7050.5 requires that no further disturbance shall occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to PRC section 5097.98. If the remains are determined to be of Native American descent, the coroner has 24 hours to notify the Native American Heritage Commission (NAHC). The NAHC shall then identify the person(s) thought to be the Most Likely Descendent (MLD). The MLD may, with the permission of the landowner, or his or her authorized representative, inspect the site of the discovery of the Native American remains and may recommend to the owner or the person responsible for the excavation work means for treating or disposing, with appropriate dignity, the human remains and any associated grave goods. The MLD shall complete their inspection and make their recommendation within 48 hours of being granted access by the landowner to inspect the discovery. The recommendation may include the scientific removal and nondestructive analysis of human remains and items associated with Native American burials. Upon the discovery of the Native American remains, the landowner shall ensure that the immediate vicinity, according to generally accepted cultural or archaeological standards or practices, where the Native American human remains are located, is not damaged or disturbed by further development activity until the landowner has discussed and conferred, as prescribed in this mitigation measure, with the MLD regarding their recommendations, if applicable, taking into account the possibility of multiple human remains. The landowner shall discuss and confer with the descendants all reasonable options regarding the descendants' preferences for treatment.

### 3. *Geology and Soils*

- a. Prior to the start of construction activities, the Applicant shall retain a Qualified Paleontologist that meets the standards of the Society for Vertebrate Paleontology (2010) to carry out all mitigation measures related to paleontological resources. The Qualified Paleontologists will thoroughly review the geotechnical specifications of the project to best understand the extent and depths of ground disturbance.

### 4. *Native American Monitoring*

- a. Prior to the commencement of any ground disturbing activity at the project site, the City shall retain a Native American Monitor approved by the Gabrieleno Band of Mission Indians –Kizh Nation – the tribe that consulted on this project pursuant to AB 52. The Tribal monitor will only be present on-site during the construction phases that involve ground-disturbing activity. Ground disturbing activities are defined by the Tribe as activities that may include, but are not limited to, pavement removal, potholing, or auguring, grubbing, tree removals, boring, grading, excavation, drilling, and trenching within the project site. The on-site Tribal monitoring shall end when all ground-disturbing activities on the project site are completed, or when the Tribal representatives and Tribal Monitor have indicated that the project site has little to no potential for impacting Tribal Cultural Resources.

Upon discovery of any Tribal Cultural Resources, construction activities shall cease within 50-feet in the immediate vicinity of the find, until the find can be assessed. All Tribal Cultural Resources unearthed by the project shall be evaluated by the Tribal monitor approved by the Consulting Tribe and the qualified archaeologist. If the resources are Native American in origin, the Consulting Tribe will retain it/them in the form and /or manner the Tribe deems appropriate, for education, cultural and/or historic purposes. Work may continue in other parts of the project site while evaluation, and if necessary, mitigation takes place. Preservation in place is the preferred manner of treatment. If preservation in place is not feasible, treatment may include implementation of archaeological data recovery excavation to remove the resources along with laboratory processing and analysis.

## **5. *Historical Marker***

- a. The project location represents a Tribal Cultural Landscape where prehistoric and historical events have occurred. To preserve the historical events and information of the project site, the City shall work alongside the Kizh Tribe to create language to be used in a historical marker and/or informative plaque or kiosk to be placed on the project site for the edification of all future generations.




architecture  
planning  
interiors  
graphics

**WARE MALCOMB**

10 edelman

irvine  
los angeles  
northern california  
sacramento  
san diego  
denver  
chicago  
new jersey

irvine, california 92618  
p 949.660.9128 f 949.863.1581



Colleen M. Nolan  
Landscape Architect, #5439  
13355 Silverado Court  
Corona, CA 92883  
714/743.7915 cell  
cmolan@cox.net

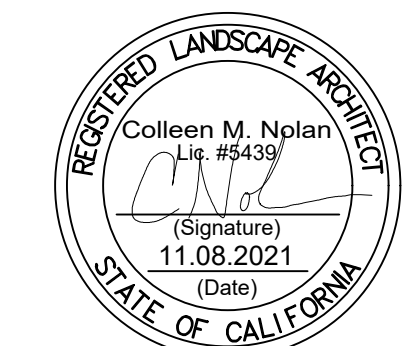
**REXFORD SANDHILL**  
1055 SANDHILL AVENUE  
CARSON, CALIFORNIA

[illegible]

PA / PM:	C. NOLAN
DRAWN BY:	
JOB NO.:	IRV20-0035-00

SHEET

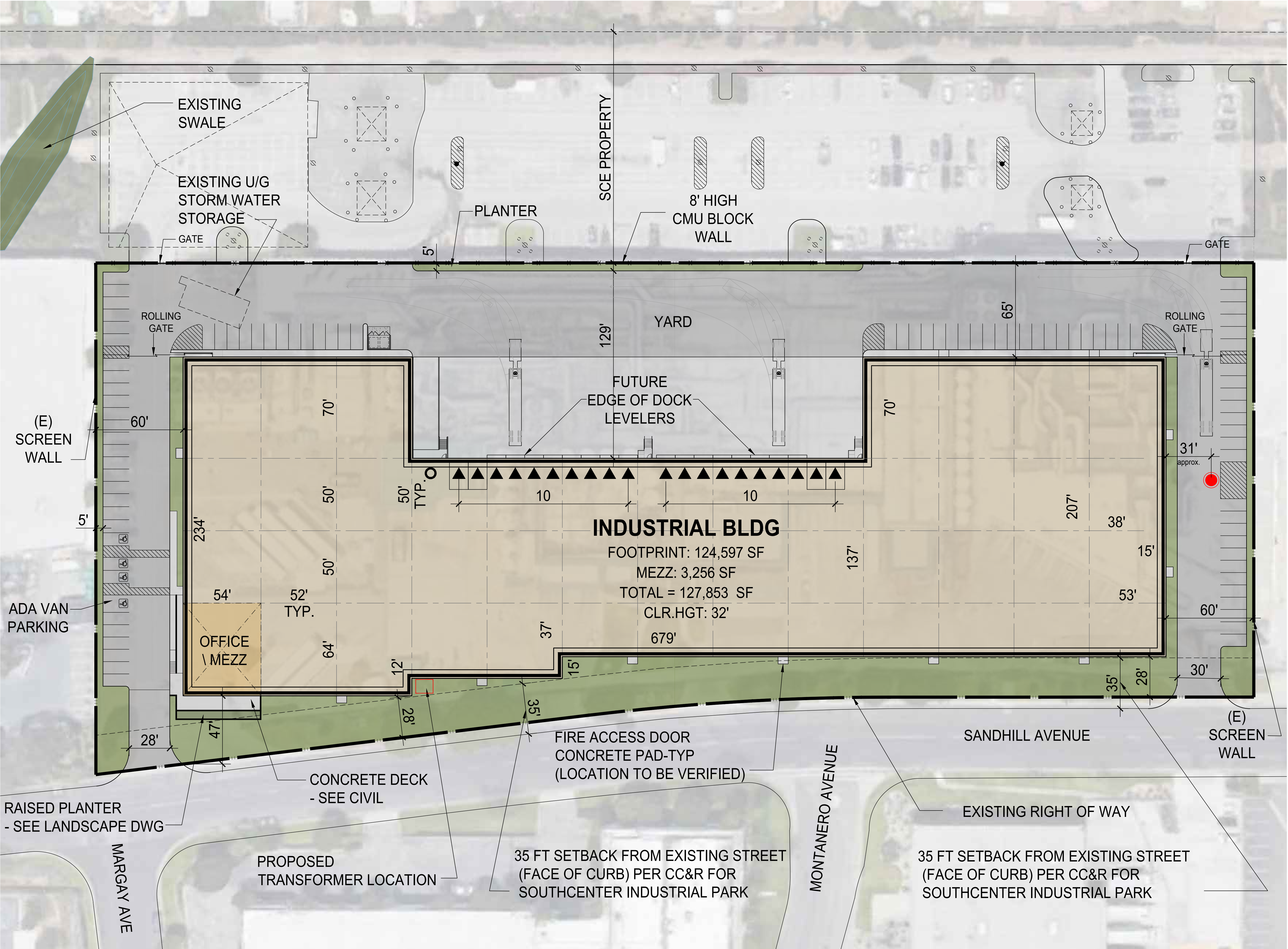
L1.1



1" = 30'

A horizontal scale bar with tick marks at 0, 15, 30, 60, and 150 feet. To the right of the scale bar is a north arrow pointing upwards, labeled "NORTH".



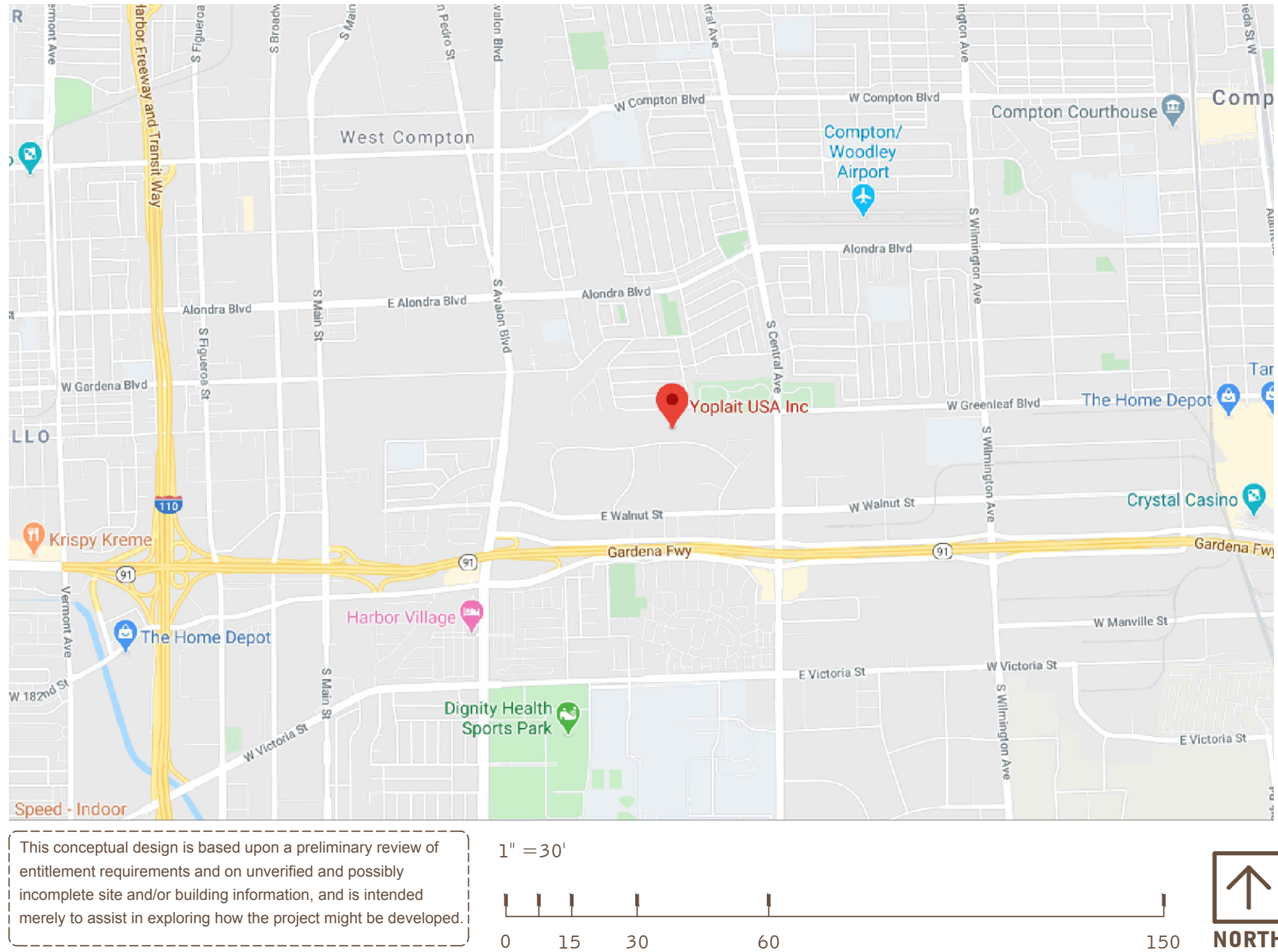


PROJECT DATA:			
SITE AREA:			
GROSS:	5.79 AC		
	252,027 SF		
BUILDING AREA:			
FOOTPRINT:	124,597 SF		
MEZZANINE:	3,256 SF		
TOTAL BUILDING AREA:	127,853 SF		
BUILDING USE:			
WAREHOUSE	121,341 SF		
OFFICE	6,512 SF		
FAR:			
GROSS:	0.51		
COVERAGE:			
GROSS:	49%		
PARKING REQUIRED:			
WAREHOUSE	1/1500 SF	81 STALLS	
OFFICE	1/1500 SF	4 STALLS	
TOTAL		85 STALLS	
PARKING PROVIDED:			
STANDARD:	90 STALLS		
COMPACT:	@ 0%	0 STALLS	
TOTAL:	90 STALLS		
	@0.7/1000 SF	4 STALLS	
REQ. ACCESSIBLE			
TRUCK DOCKS:			
DOCK-HIGH DOORS		20	
GRADE-LEVEL DOORS		2	
LANDSCAPE PROVIDED @ 12% 30,978 SF			

- LEGEND
- UTILITY POLE
  - LIGHT POLE
  - FIRE HYDRANT
  - EXISTING OIL WELL (LOCATION TO BE VERIFIED)
  - COORDINATES:  
PN: 2  
N: 1778580.2472  
E: 6484300.3711

DEVELOPMENT STANDARDS:	
ZONING:	ML
MAX. F.A.R.:	
MAX. COVERAGE:	0.50
MAX. HEIGHT:	n/a
BUILDING SETBACKS:	
FRONT:	25 FT <sup>1</sup>
SIDE:	0 FT <sup>2</sup>
REAR:	0 FT <sup>2</sup>
LANDSCAPE SETBACKS:	
FRONT:	25 FT <sup>1</sup>
SIDE:	0 FT
REAR:	0 FT
LANDSCAPE REQ.:	
	5%
OFF-STREET PARKING:	
STANDARD:	8.5X18
COMPACT:	8X15
COMPACT %:	33%
DRIVE AISLE:	24 FT
FIRE LANE:	28 FT <sup>6</sup>
OVERHANG:	n/a
TREE WELL:	5 FT
REQ. PARKING RATIO BY USE:	
WAREHOUSE:	1/1500 SF <sup>3, 4</sup>
MANUF	1/500 SF <sup>3, 4</sup>
OFFICE:	1/300 SF <sup>3, 4</sup>

- NOTES:
- For any building over 50 feet in height, the required front yard setback shall be increased by 1 foot for each 2 feet of height above 50 feet.
  - Where the side of a lot abuts a lot in other than a residential zone and the height of the building is not over fifty (50) feet, no side yard is required. If any side yard greater than approximately one (1) inch is required or provided, it shall be at least three (3) feet. For any building (but not for an unoccupiable structure whether detached or attached to a building) over fifty (50) feet in height, the required side yard setback shall be three (3) feet plus one (1) foot for each two (2) feet of height above fifty (50) feet.
  - Or 1 parking space for every 2 employees on the largest shift, whichever is greater.
  - Ratios provide for large dock-high loading facilities. For small dock-high loading, use the following: Warehouse - 1/1000, Manufacturing - 1/500, Office - 1/300; or ratio provided in note 3 above.
  - Any front, side or rear setback shall be landscaped. Such landscaping shall not be included in the computation of the 5% interior landscaping requirement.
  - 28 feet if building exceed 30' per LA county fire department

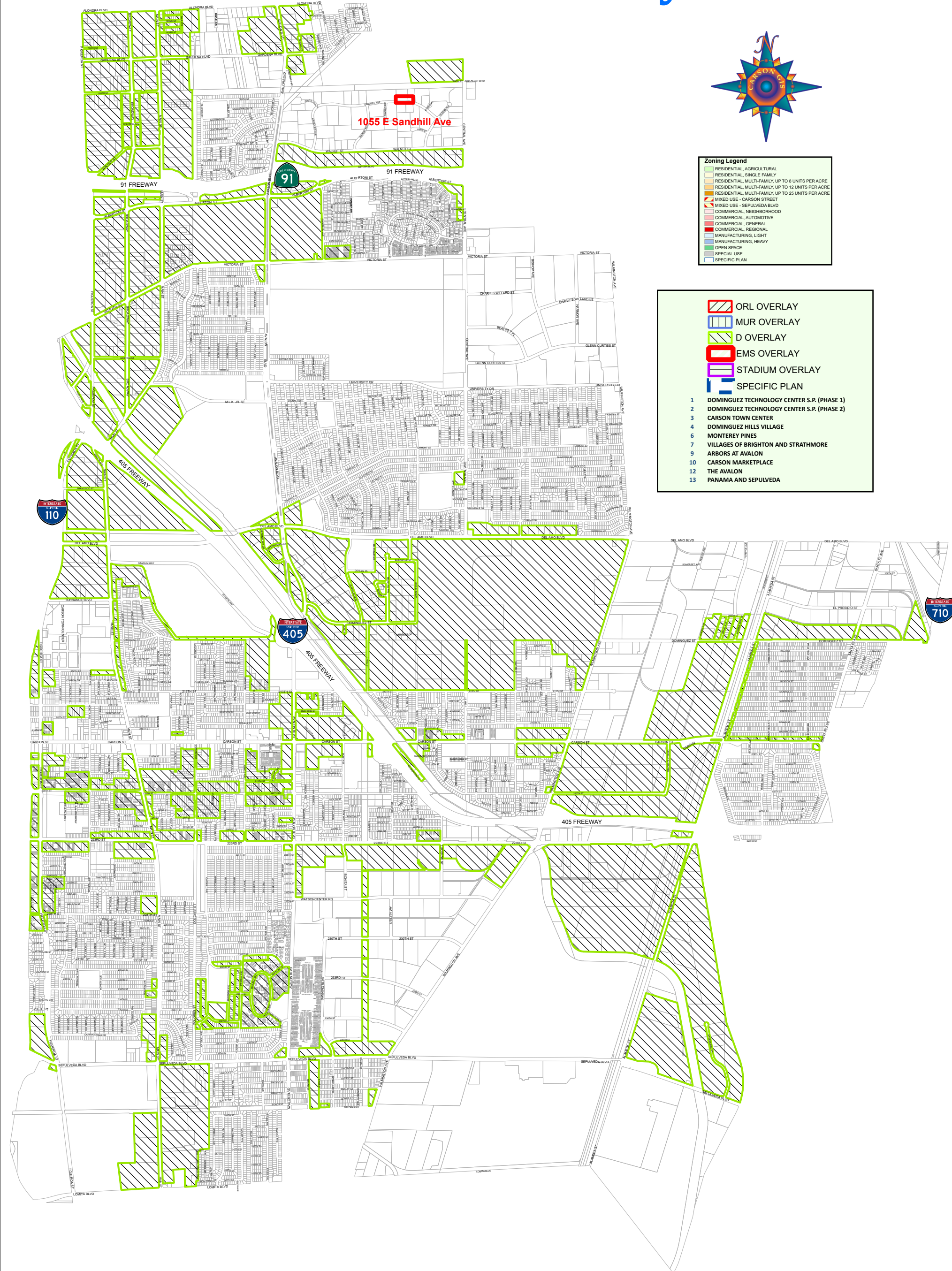






Zoning Legend	
	RESIDENTIAL, AGRICULTURAL
	RESIDENTIAL, SINGLE FAMILY
	RESIDENTIAL, MULTI-FAMILY, UP TO 8 UNITS PER ACRE
	RESIDENTIAL, MULTI-FAMILY, UP TO 12 UNITS PER ACRE
	RESIDENTIAL, MULTI-FAMILY, UP TO 25 UNITS PER ACRE
	MIXED USE - CARSON STREET
	MIXED USE - SEPULVEDA BLVD
	COMMERCIAL, NEIGHBORHOOD
	COMMERCIAL, AUTOMOTIVE
	COMMERCIAL, GENERAL
	COMMERCIAL, REGIONAL
	MANUFACTURING, LIGHT
	MANUFACTURING, HEAVY
	OPEN SPACE
	SPECIAL USE
	SPECIFIC PLAN

	ORL OVERLAY
	MUR OVERLAY
	D OVERLAY
	EMS OVERLAY
	STADIUM OVERLAY
	SPECIFIC PLAN
1	DOMINGUEZ TECHNOLOGY CENTER S.P. (PHASE 1)
2	DOMINGUEZ TECHNOLOGY CENTER S.P. (PHASE 2)
3	CARSON TOWN CENTER
4	DOMINGUEZ HILLS VILLAGE
6	MONTEREY PINES
7	VILLAGES OF BRIGHTON AND STRATHMORE
9	ARBORS AT AVALON
10	CARSON MARKETPLACE
12	THE AVALON
13	PANAMA AND SEPULVEDA



City of Carson, CA  
CITY TREASURER'S OFFICE  
701 E Carson St  
Carson, CA 90745  
(310) 830-7600  
<http://ci.carson.ca.us>

001649-0044 Raimon D. 02/14/2022 04:27PM

MISCELLANEOUS

Description: PLANNING  
FEES (4602)

PLANNING FEES (4602)

2022 Item: 4602

1 @ 100.00

PLANNING FEES (4602) 100.00

100-99-999-999-1010- 100.00D

101-70-780-290-4602- 100.00C

100.00

Subtotal 100.00

Total 100.00

OFFSITE CREDIT CARD 100.00

Ref Number MC

Change due 0.00

Paid by: ANDREW LEE


Comments: APPEAL FEE

PLANNING FEE PER AB

1055 SANDHILL AVE

FUTURE UNLIMITED!  
Business Hours: 7am to 6pm  
Monday - Thursday

CUSTOMER COPY  
DUPLICATE RECEIPT

		7012 0607
<b>CITY OF CARSON</b> Development Services Group		
<b>FEE PAYMENT FORM</b>		
PERMIT TYPE OR ITEM DESCRIPTION	23	FEES
Appeal fee \$100.00		
(170) today		
Planning fee per AB		
AMOUNT DUE:		100.00
APPLICANT NAME:	Andy Lee	
APPLICANT ADDRESS:	3205 Ardmore Unit 110	
PROPERTY INVOLVED:	1055 Sandhill Ave.	
STAFF:	M. Alexander for AB	
DATE:	2/14/22	
RECEIPT NUMBER:		





## Appeal Application

City Clerk's Office  
701 E. Carson St.  
Carson, CA 90745  
310-952-1720

RECEIVED  
CITY CLERK

2022 FEB 14 PM 3:52

Clerk's Date & Time Stamp

CITY OF CARSON

Appeals are time sensitive and must be received by the City Clerk in the specified time period pursuant to the Carson Municipal Code or applicable authority. It is advisable to consult with the Department managing the issue if there is question with regards to appealing an action. All fees associated with appeals can be located in the City's Master Fee Schedule and/or Carson Municipal Code. This is an appeal of the:

- ☒ Director decision to the Planning Commission – shall be filed in writing within 15 days of the date of the Director action.  
☐ Planning Commission decision to the City Council – shall be filed in writing within 15 days of the date of the Commission action.  
☐ Other - Specify decision-maker, appellate body, Municipal Code authority: \_\_\_\_\_

### Appellant Information:

Name(s): Andy Lee  
Address: 320 S Ardmore Avenue, Unit 110  
City/State/Zip: Los Angeles, CA 90020  
Phone: 213-442-9233 Email: alee@teanster.org

### Appealing Application Regarding:

\*If appeal is made by any member of the City Council or the City Manager, the sections identified with an asterisk (\*) are not required; the Statement of Grounds for Appeal need only provide, in substance and effect, a request that a specific decision, administrative case number, or resolution number, as the case may be, be reviewed by the Planning Commission or City Council, as the case may be. CMC §9173.4.

Name of Appellant(s): Rexford Industrial Date of Final Decision: 1/27/22 or 1/12/22

\*Administrative File No. /Case No.: Site Plan and Design Review (DOR) No. 1831-20

\*Street Address (otherwise, the legal description and location of the premises included in the action):  
1055 E. Sandhill Avenue, Carson, CA

\*Specific Matter Being Appealed: Approval of the "Sandhill" project by Planning Dept. Staff

Statement of the Grounds for Appeal (attach separate sheet if necessary): This project is covered by CEQA and should have gone through CEQA review and received approval from the Planning Commission (see discussion below)

Signature of Appellant: Andrew Lee Date: 2/12/2022

### FOR OFFICE USE ONLY:

Date Appeal received: Feb. 14th, 2022

Appeal Fee received: \$ 100-

K. Bradshaw

Dr. Khaleah K. Bradshaw, City Clerk

cc: Department Director, File

## **APPEAL APPLICATION**

February 11, 2022

Sent via email to: [cityclerk@carsonca.gov](mailto:cityclerk@carsonca.gov)

City Clerk's Office  
701 E. Carson Street  
Carson, CA 90745  
(310) 952-1720

Appeals are time sensitive and must be received by the City Clerk in the specified time period pursuant to the Carson Municipal Code or applicable authority. It is advisable to consult with the Department managing the issue if there is question with regards to appealing an action. All fees associated with appeals can be located in the City's Master Fee Schedule and/or Carson Municipal Code.

This is an appeal of the:

**X Director decision to the Planning Commission — shall be filed in writing within 15 days of the date of the Director action.**

~~Planning Commission decision to the City Council — shall be filed in writing within 15 days of the date of the Commission action.~~

~~Other — Specify decision maker, appellate body, Municipal Code authority:~~

### **Appellant Information:**

Name(s): Andy Lee  
Address: 320 S. Ardmore, Unit 110  
City/State/Zip: Los Angeles, CA 90020  
Phone: (213) 442-9233  
Email: alee@teamster.org

### **Appealing Application Regarding:**

If appeal is made by any member of the City Council or the City Manager, the sections identified with an asterisk (\*) are not required; the Statement of Grounds for Appeal need only provide, in substance and effect, a request that a specific decision, administrative case number, or resolution number, as the case may be, be reviewed by the Planning Commission or City Council, as the case may be. CMC §9173.4.

Name of Applicant(s):	Rexford Industrial
Date of Final Decision:	January 27, 2022 or January 12, 2022 (See discussion below)
*Administrative File No. /Case No.:	Site Plan and Design Review (DOR) No. 1831-20
*Street Address:	1055 E. Sandhill Avenue, Carson, CA
*Specific Matter Being Appealed:	Approval of the "Sandhill" project by Planning Department staff.
Statement of the Grounds for Appeal:	This project is covered by CEQA and should have gone through CEQA review and received approval from the Planning Commission. (See discussion below)
Signature of Appellant:	





## **STATEMENT OF THE GROUNDS FOR APPEAL:**

This appeal challenges the approval given by Planning Department staff to the following project:

### **Project Description:**

Site Plan and Design Review (DOR) No. 1831-20

Location: 1055 E. Sandhill Avenue, Carson, CA

Project Owner & Applicant: Rexford Industrial

From the Planning Commission staff report: "The applicant, Rexford Industrial LLC, requests approval of DOR No. 1831-20 to demolish a former General Mills yogurt processing facility with associated ancillary structures, and construct a new 126,013-square foot, tilt-up warehouse building with included 6,512 mezzanine office space and with surface parking; Including 20 truck loading docks and 2 truck/forklift doors."

### **Approval Process:**

During the early stages of this project's approval process, city staff considered this project subject to the California Environmental Quality Act (CEQA). This meant the project would have to go through the CEQA environmental process including preparation of a Mitigated Negative Declaration (MND) and a hearing before the Planning Commission. The public review period for the MND was held in July and August of 2021. A Planning Commission hearing was scheduled for 8/24/2021. Planning Commission staff recommended that the body adopt the MND and approving the site plan and design overlay review. The hearing never happened. According to the 8/24 Planning Commission meeting minutes:

The applicant asked to table the item because they must do additional due diligence before moving forward. So, the item if and when it comes back will be noticed properly and anyone who has been previously asked to be a part of the meeting will be notified...The public hearing was opened, and planning secretary Sandoval read a comment from the public from Debra Thomas who was a Compton resident stated that she is concerned about the noise from this project. Chair then closed the public hearing. Chair Thomas made a motion to table this item indefinitely and made it clear that bringing this item back would necessitate re noticing and invitation to those who took interest in the item.

Chair Thomas (1st) Motion to approve, Commissioner Diaz 2nd; Motion passed unanimously.

The project was never scheduled for a future Planning Commission hearing. I inquired as to why this was the case. In December 2021, Planning Manager Alvie Betancourt stated that "an applicant" (presumably the developer of this project) brought a court case (*McCorkle Eastside Neighborhood Group v. City of St. Helena*) to the attention of the City Attorney. The City Attorney agreed with the applicant that the McCorkle case meant that the Sandhill project was not covered by CEQA, and would not need to go through a Planning Commission hearing.

The City Attorney – relying on the *McCorkle* case – had decided that projects "based solely on site design" are no longer covered by CEQA, do not need to get approval from the Planning Commission, and would be handled administratively (i.e., approved by staff). Previously, any development project in Carson with site plan and design review was considered covered by CEQA and went to the Planning Commission for approval. Going forward, only projects with 1 or more discretionary permits – like a conditional use permit or a variance – would be covered by CEQA and have to get Planning Commission approval.

### **This Project Is Covered by CEQA:**

I believe that this decision is wrong. Generally, CEQA covers private development projects that are "discretionary" but not "ministerial" projects. (See Pub. Res. Code § 212080(a) & (b)(1); CEQA Guidelines §§ 15060(c)(1), 15268(a).) A discretionary project is one that requires the exercise of judgement or deliberation by a public agency, allowing the agency to use subjective judgement to decide whether or how to carry out or approve a project. (See CEQA Guidelines § 15357, 15002(i).) By contrast, a project is ministerial if limited to only conformance with a fixed standard or objective measurement and requires little or no personal judgement by a public official as to the wisdom or manner of carrying out the project. (See CEQA Guidelines § 15357.) Ultimately, whether a project is discretionary or ministerial, depends on whether the agency has the "power to shape the project in ways that are responsive to environmental concerns."

(*Friends of Juana Briones House v. City of Palo Alto* (2010) 190 Cal.App.4th 286, 302; see also *Sierra Club v. Napa County Bd. of Supervisors* (2012) 205 Cal.App.4th 162, 179.)

Here, there is no question that that Site Plan Review is discretionary. First, courts have characterized site plan review as discretionary. (See e.g., *Long Beach Sav. & Loan Ass'n v. Long Beach Redevelopment Agency* (1986) 188 Cal. App. 3d 249, 263 n.13.) Second, the record fails to show that the request action falls within the limited circumstance allowing Director Approval under CMC § 9172.23, subd. B.2 (e.g., structure less than \$50,000, signs, fences, etc.). Third, the request action falls within quasi-judicial process (id., subd. C), requiring agency discretion in making findings (id., subd. D.). Fourth, *McCorkle* is distinguishable where that case involved a city that previously amended its housing element to make a multifamily residential building by right and limited to just design review. (See *McCorkle Eastside Neighborhood Group v. City of St. Helena* (2018) 31 Cal.App.5th 80, 85, 87.) Here, the record fails to indicate that this warehouse project is by-right and includes site plan review in addition to design review. Additionally, the Planning Commission has the ability to condition the project to address the various environmental concerns of the project, which are reflected in the Code-required findings (e.g., compatibility with General Plan and surrounding uses, safety of circulation for pedestrian and vehicles, etc.). (CMC § 9172.23, subd. D.1 & D.2.) Fifth, the City's recent interpretation that Site Plan Review is ministerial and not subject to CEQA warrants no deference from the courts given it based entirely on an undisclosed unilateral interpretation by the developer (*Tower Lane Properties v. City of Los Angeles* (2014) 224 Cal.App.4th 262, 278), which has never previously applied (*Horwitz v. City of Los Angeles* (2004) 124 Cal.App.4th 1344, 1353), and lacking any consistent or long standing administrative construction by the city (*California Renters Legal Advocacy & Education Fund v. City of San Mateo* (2021) 68 Cal.App.5th 820, 843). Sixth, it is inherently contradictory to claim the matter is ministerial and not subject to CEQA, on one hand, and then proceed to claim a common-sense exemption. Moreover, such a common-sense exemption is inapplicable given the likely impacts involved here (see prior comment letter attached hereto and incorporated in this appeal in its entirety).

In sum, this is not a housing project where Carson lacks discretion (such as the case in *McCorkle*).

**Carson City Staff and Planning Department Reports Indicated the Project Had Not Been Approved Through 1/26/22 and 2/1/22 Respectively:**

Ever since I learned that the Sandhill project would be approved by Planning Department staff without a public hearing or CEQA review, I have been in constant contact with the assigned planner from Dec. 2021 through this week. The sole purpose of this has been to ascertain the date on which this project is approved so I could file an appeal within 15 days of the approval date. I have been in touch with the planner every week in January and February 2022 by phone and/or email. For example, see the attached screenshot ("Screenshot – Emails to Carson Planner") showing that I sent emails to the planner on 1/22/22, 1/25/22, 2/4/22, and 2/9/22 asking whether the project was approved and the date of approval. The planner, on at least 3 occasions throughout January, confirmed that the project had not been approved. She left me a voicemail on 1/26/22 clearly stating that the project had not been approved as of that date. I have kept a copy of that voicemail which I can provide.

I last spoke with the planner on Wednesday 2/9/22 and I again asked if the project had been approved. She told me the project was approved on 1/27/22. When I asked for written documentation of the approval date, she went through her records and discovered a letter dated 1/12/22 sent to the applicant approving the project. She then said she would need to speak with her supervisor to clarify the issue. I never received a definitive answer from her, but Planning Manager Alvie Betancourt told me on Thursday 2/10/22 that the project was considered to have been approved on 1/12/22.

If it turns out that 1/12/22 is determined to be the approval date, my appeal should still be considered timely since I relied on the information provided to me by the sole planner assigned to this project. In particular, the 1/26/22 voicemail she left me is crucial. Assuming the project was approved on 1/12/22, the 15-day appeal window would extend through 1/27/22. Had I been told in that 1/26/22 voicemail that the project had been approved on 1/12/22, I would have been able to file a timely appeal.

Carson Planning Department reports also indicated that the Sandhill project had not been approved through 2/1/22. City staff periodically furnish the City Council with a "Community Development Report" that lists the status of ongoing development projects. Such reports were submitted to the City Council at its meetings on 12/7/21, 1/4/22 and 2/1/22.



All 3 of these reports – including the report prepared for the 2/1/22 City Council meeting – listed the Sandhill project as “Under Review” (Please see the attached “Carson Community Development Projects 2-1-2022.” The Sandhill project is the very first project at the top of Page 4).

It is clear that these reports are constantly updated. In the report prepared for the 2/1/22 meeting, projects were added to the list (in red text) that did not appear in the 1/4/22 report. A number of projects had their status altered (in blue text). For example, the 2/1/22 report shows that the Carson 2040 General Plan Update was previously listed as “Under Review” but that text was replaced with “Scheduled for 2/1/22 City Council.” The Rascals Teriyaki Grill was also previously listed as “Under Review” but that text was crossed out and replaced with “Planning Commission 1/25/22.” These edits indicate that this report was being updated through late January and yet the Sandhill project, if it was approved on 1/12/22, was still listed as “Under Review.”

The Sandhill project never received any sort of public hearing, so it was not obvious when the project was approved. Despite this, I made numerous, documented, efforts to obtain this information from the sole city planner assigned to the project. I was erroneously informed as recently as 1/26/22 that the project had not been approved. Had I been given the correct information on that date; I would have been able to submit a timely appeal. In addition, official city reports listing development projects that had not received approvals, listed the Sandhill project as “Under Review” as late as February 1, 2022. Because I relied on the information provided to me by city planning staff and official city reports that indicated the Sandhill project had not been approved until 1/27/22, I believe that my appeal should be considered timely and the city is estopped from claiming this appeal is untimely due to its actions here.

Appellants reserve the right to supplement this appeal at future hearings.

ENCLOSURE: Comment Letter from Victor Mineros.

Re: Project at old General Mills site (1055 E Sandhill Avenue)

AL  
Andy Lee  
Wed 2/9/2022 8:44 AM  
To: kpompey@carsonca.gov

Dear Ms. Pompey: I am following up again to inquire if this project has been approved. I would like to be added to any list, if one exists, of people to be notified of any changes or developments related to this project. Thank you.

Andy Lee  
(213) 442-9233

Sent from my iPhone

On Feb 4, 2022, at 4:56 PM, Andy Lee <ailee@teamster.org> wrote:

Dear Ms. Pompey: I received your 1/26 voicemail that the project at 1055 E Sandhill Avenue had not been approved yet. Has it been approved since then? Thank you.

Andy Lee  
(213) 442-9233

Sent from my iPhone

On Jan 25, 2022, at 2:45 PM, Andy Lee <ailee@teamster.org> wrote:

Dear Ms. Pompey,

Please let me know the status of the project at 1055 E Sandhill. Has it been approved yet? Thank you.

## COMMUNITY DEVELOPMENT PROJECT STATUS REPORT

Name	Type	Description	Status
Imperial Avalon Specific Plan	Private Development	Imperial Avalon Specific Plan by Faring on 27.31 acres, 1,213 dwelling units (653 non-age-restricted multi-family units plus 180 age-restricted senior independent living units plus 380 townhouse units and two sit-down restaurants. The EIR and Specific Plan are currently being drafted.	Under Review
Kott property at Avalon and 213 <sup>th</sup> St.	Private Development	Previous potential developers have not reached an agreement with the property owner. Staff has met with the new developer who is proposing a mixed use development with approximately 1,300 units and two restaurant spaces. A development application has not been submitted.	On-Hold
The District Specific Plan Amendment Carson Goose Owner LLC	Private Development	The developer, Carson Goose Owner LLC, which was selected by the CRA Board through an RFP process, is proposing 1,567,090 sf of light industrial and 33,800 SQFT of restaurant/retail space on Planning Area 3 (cells 3, 4 and 5.) The site also includes a 22,740 sf dog park, a 3,343 sf performance pavilion, 25,400 sf children's plan area, 19,400 sf botanic garden, a 19,490 sf bioretention garden, a 1,800 sf beer garden, a 2,975 sf sculpture garden, a 4,425 sf water feature and iconic element, a 35,210 sf flex event lawn area, 50,774 sf of planted open spaces, and 52,159 sf of planted buffer areas for a total of 273,906 sf (6.29 acres) of programmed spaces, and open space / amenity areas. There is also a 0.62-acre linear park to the west of the light industrial uses. The total site area is 96 gross acres (85.55 net acres.) The developer has filed for the following applications: Development Agreement, General Plan Amendment, Specific Plan Amendment, Site Plan and Design Review, General Plan Amendment, Noise Variance and Tentative Parcel Map. Staff has initiated the CEQA process for the project along with the specific plan amendment. DEIR 45-day public review period has concluded and response to comments are being prepared.	Under Review

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Name	Type	Description	Status
Olson Company	Private Development	520 E. 228 <sup>th</sup> St., (Currently: Carson Baptist Church) 32 market rate attached townhouse condominiums consisting of multiple three-story buildings with at grade 2 car garages, associated open space, guest parking and private interior road.	Under Review
304 Kenmore Avenue, LLC	Private Development	454 E. Sepulveda Blvd., (Currently: The Rendezvous Grill & Cocktail Lounge) 6 attached condominiums consisting of two separate buildings with 5 market rate and 1 affordable unit, at grade 2 car garages, guest parking and private driveway.	Under Review
Rand	Private Development	Specific Plan, 225 W. Torrance Blvd., 356 apartment units.	Withdrawn
Kim Family Trust	Private Development	21240-50 Main St., (Currently: Empty lot) 19-unit market rate apartment consisting of two separate three-story buildings, at grade parking with associated common and private open space.	Under Review
Santiago De Leon	Private Development	20926 Jamison St., (Currently: Single Family Residence) 2 single family residences with associated at grade parking, common and private open space.	Under Review
Ken S. Chea Trust	Private Development	21530 Martin St., (Currently: Single Family Residence) 4-unit residential subdivision.	Under Review
Golden State Alliance, LLC	Private Development	138 W. 223 <sup>rd</sup> St., (Currently: Single Family Residence) 12 attached condominiums consisting of two separate buildings with all market rate units, at grade 2 car garages, guest parking and private driveway.	Under Review
Comfort Properties, LLC	Private Development	140 W 223 <sup>rd</sup> , (Currently: Single Family Residence) 2 detached single family residences, each on their own subdivided lot with associated at grade parking common and private open space.	Under Review
	Private Development	860 E Carson St., Starbucks Coffee Shop with drive-thru, indoor and outdoor seating and associated parking and enhancements to the entire center.	Planning Commission - approved on 11-09-21
In-n-Out	Private Development	20700 Avalon Blvd., In-n-Out Restaurant with drive-thru, indoor and outdoor seating and associated parking.	Under Review
Chevron	Private Development	17453-55 Central Ave., New self-service car wash and diesel fuel island for large-body trucks to existing Chevron/McDonalds.	Under Review

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Name	Type	Description	Status
Rascals Teriyaki Grill	Private Development	205 E. Carson St., New Rascals Teriyaki Grill with indoor and outdoor seating and associated parking.	Under Review <u>Planning Commission 1/25/22</u>
Faring Capitol	Private Development	21611 S. Perry St., (Currently: Empty lot) Self storage facility comprised of approximately 120,000 square feet in a mix of one and two-story buildings and a 5,000 square foot retail component.	Under Review
Carson Main Street LLC	Private Development	20601 S. Main St. (Formerly: KL Fenix), three industrial buildings comprised of approximately 256,000 square feet including 137,000 square feet of warehouse, 92,000 square feet of manufacturing, 23,000 square feet of office, and 4,000 square-foot retail pad with 419 parking spaces, 18 dock doors, 6 at grade doors, and 3 trailer stalls.	Under Review
First Industrial Realty Trust	Private Development	S. 18001 Main Street, (Currently: Gasket Manufacturing Company, Inc.) one industrial building comprised of approximately 60,000 square feet including 52,000 square feet of warehouse, 7,500 square feet of office space with 40 parking stalls and 8 dock doors.	Under Review
Centerpoint Properties Trust	Private Development	16627 S. Avalon Blvd., (Currently: Durham School Services) one industrial building comprised of approximately 122,000 square feet including 114,000 square feet of warehouse, 5,000 square feet of office, 2,500 square feet of mezzanine with 107 parking stalls and 24 dock doors.	Under Review
SSH Holdings, LLC	Private Development	18501 S. Main St., (Currently: Private storage) one industrial building comprised of approximately 34,000 square feet including 27,615 square feet of warehouse, 3,680 square feet of office, 2,500 square feet of mezzanine with 46 parking stalls and 5 dock doors.	Under Review
Watson Land	Private Development	2277 E. 220th St., demolish existing two-story office buildings to construct a new Class A light industrial building. The new project is 74,060 sf with 72 onsite parking stalls.	Under Review
USPS/ Prologis	Private Development	24760 Main St., Permit trucking activities (existing building) within 100 feet from residential properties.	Under Review

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Name	Type	Description	Status
Rexford Industrial, LLC	Private Development	1055 E. Sandhill Ave, (Formerly: General Mills) one industrial building comprised of approximately 126,000 square feet including 122,757 square feet of warehouse, 3,256 square feet of mezzanine with 130 parking stalls, 20 dock doors, and 2 grade level doors.	Under Review
LIT 9 <sup>th</sup> St. 224rd Carson LP	Private Development	2104 E. 223 <sup>rd</sup> St., (Formerly: Poly One Corporation) one industrial building comprised of approximately 130,000 square feet including 124,324 square feet of warehouse, 5,000 square feet of office, 5,000 square feet of mezzanine with 122 parking stalls and 15 dock doors.	Under Review
BSREP III Dominguez, LLC	Private Development	2001 E. Dominguez St., (Formerly: Western Tube & Conduit Corporation) one industrial building comprised of approximately 424,000 square feet including 408,990 square feet of warehouse, 15,000 square feet of office with 283 parking stalls, 136 trailer parking stalls and 68 dock doors.	Under Review
City of Carson	City Initiated Project	Zoning Ordinance: Various amendments including prohibition of storage of hazardous materials, refinement of residential development standards and updating of industrial standards for trucking and container usage.	Under Review
City of Carson	City Initiated Project	State mandated Accessory Dwelling Unit (ADU) Ordinance	Under Review
California Water Service Group	Private Development (California Water)	21718 S. Alameda St., California Water has completed construction of a new groundwater production well to provide potable water to the public. Water quality of a new well has been established and has provided design parameters for the future onsite improvements. A new building will be used to house the well appurtenances, electrical, controls and pumping equipment. The preliminary building will be approximately 1,000 square feet.	Under Review
City of Carson	City Initiated Project	Carson 2040 General Plan Update, the Housing Element update will be presented to the Planning Commission in January and to the City Council in February to meet the state mandated deadlines.	Under Review <u>Scheduled for 2/1/22 City Council</u>
WIN Chevrolet	Private Development	Billboard, 2201 E 223rd Street.	Approved by City Council.

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Name	Type	Description	Status
LGL 18700 Broadway, LLC	Private Development	18700 Broadway St., Voltage Source Inverter (VSI)-Battery based Energy Storage System (BESS). A Battery Energy Storage System (BESS) is a technology developed for storing electric charge by using specially developed batteries. The underlying idea being that such stored energy can be utilized at a later time.,.	Under Review
Stan Lucas	Private Development	747 E 223rd St., CUP 1085-18 -Ambulance facility and medical equipment storage.	Under Review
City of Carson	City Initiated Project	Administration of the CDBG Program (Neighborhood Pride Program, Public Service Providers, Commercial Façade Program, Business Assistance Program, Rental Assistance Program, etc.)	On-going
City of Carson	City Initiated Project	Continued the development of the Carson Enhanced Infrastructure Plan (EIFD).	On-going
City of Carson	City Initiated Project	Mobile Home Park Zoning	Under Review to be presented to Planning Commission and City Council and after the adoption of the General Plan
City of Carson	City Initiated Project	Short Term Rentals	Under Review
City of Carson	City Initiated Project	Economic Development Strategic Plan	Consultant has been selected and staff will discuss the matter with the The consultant made a presentation to the Economic Development Commission in January received a favorable response. before presenting the The contract and the scope of work are being finalized are tentatively scheduled for either to the City Council the February 15 <sup>th</sup> or March 127.31 acres, 1.213 dwelling units City Council meeting.
City of Carson	City Initiated Project	Variety of housing related ordinances, such as Below Market Rent (establishment of fees to assist in increasing affordable	

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Name	Type	Description	Status
		housing unit inventory), SB 9 (allows up to 4 units per existing legal lot or allows lot split for existing legal lots to allow 2 units per lot for a total of 4 units), SB330 (a requirement to replace housing units that are demolished)	
<u>Maupin Development</u>	<u>Private Development</u>	35 Townhomes – two floors over parking; 29 units/3 bedrooms; 6 units/2 bedrooms with common and private open space.	<u>Under Review</u>
<u>Maupin Development</u>	<u>Private Development</u>	50 Townhomes – two floors over parking; all 3 bedrooms/2 baths with common and private opens space.	<u>Under Review</u>

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**Teamsters Local Union No. 396**  
**Package and General Utility Drivers**  
*Affiliated with the*  
**INTERNATIONAL BROTHERHOOD OF TEAMSTERS**

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Carson Planning Commission  
City of Carson  
701 East Carson Street  
Carson, California 90745

**Re: Site Plan and Design Review (DOR) No. 1865-21**  
**Property Involved: 2104 E 223rd Street**  
**Applicant: Herdman Architecture + Design, 16201 Scientific Way Irvine, CA 92618**  
**Property Owner: LIT 9th Street 223rd LLP, P.O. Box 3388 Manhattan Beach, 90266**  
**Request: Consider approval of Site Plan and Design Review No. 1865-21 for a proposed tilt-up warehouse.**

Dear Chairperson Thomas and other members of the Planning Commission:

These comments are being submitted on behalf of Teamsters Local 396 for the Planning Commission hearing concerning the warehouse project at the site of the Poly One Corporation plant. We reserve the right to clarify and supplement these comments as permitted by law and do not waive any issue or matter omitted herein as a result of error or omission by the City of Carson or the Applicant(s), to the extent permitted by law.

Teamsters Local 396 represents delivery, sanitation, logistics, recycling and other workers in Los Angeles County. Our members live and work in Carson and other parts of Los Angeles County. As residents, they may be adversely affected by the potential traffic, air quality, noise, public health, and other impacts caused by the project.

We urge the Planning Commission to refrain from approving this project unless and until community members have greater ability to weigh in on the project, which should include CEQA review among other things.

**Basic Description:**

The Planning Commission staff report describes the project:

The applicant, Herman Architecture and Design on behalf of LIT 9th Street 223rd LLP, requests approval of DOR No. 1865-21 to demolish a former chemical manufacturing facility and associated ancillary structures and construct a new 124,324 square foot tiltup warehouse building with 5,000 square feet of ground floor office space, an additional 5,000 square feet of mezzanine office space, 15 truck loading docks and surface parking.

The Planning Commission hearing is currently the only approval needed for this project, which involves demolition of a long-time chemical plant. It merits greater scrutiny than this. The need is especially resonant given the warehouse incident late last year, that led to the foul order in the Dominguez Channel.<sup>1</sup> That warehouse is owned by ProLogis, a major developer of Amazon "last mile" delivery stations.<sup>2</sup>

Planning Department staff have indicated that there is currently no known end user or tenant for the warehouse. Despite this, it seems likely that the project will be an Amazon last mile delivery station:

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<sup>1</sup> <https://www.nytimes.com/2021/12/05/us/carson-california-warehouse-fire-stench.html#:~:text=A%20foul%20stench%20that%20nauseated,air%20pollution%20agency%20has%20found.>

<sup>2</sup> <https://www.washingtonpost.com/nation/2021/12/06/carson-warehouse-fire-likely-caused-putrid-smell-la-county/>

ProLogis owns the warehouse partially in its own name and partially through subsidiary Liberty Properties Limited Partnership.



- The project exactly fits the parameters of a typical Amazon last mile delivery station (approximately 120,000 sq. ft. of warehouse space, located within a densely populated urban area, etc.).
- Amazon is now the largest single developer of warehouses and logistics facilities in the United States. From 2014 to the first half of 2021, the number of last mile delivery stations grew from just 8 to almost 450. Amazon plans to open at least another 250 last mile delivery stations in the U.S. over the next 2 years. The company reportedly plans to open at least 1,500 last mile delivery stations.<sup>3</sup>
- One of the applicants – Herdman Architecture + Design – has worked on multiple projects with ProLogis and Duke Realty who have developed Amazon last mile facilities.

The likelihood that this project will be an Amazon last mile delivery station is significant: last mile facilities generate significantly more traffic and other impacts than other warehouse types. The nature of last mile facilities – which are the starting point of hundreds of daily deliveries into surrounding communities – also means that such impacts travel far beyond the actual facility site.

#### **This Project Is Covered by CEQA:**

This project seems like one that warrants CEQA review, especially considering references within the Planning Commission staff report to the Department of Toxic Substances and Control, and Phase I and Phase II Environmental Site Assessment investigations. However, the Planning Commission staff report argues that it is exempt from CEQA:

VII. Environmental Review Design related issues such as those found in Site Plan and Design Review (DOR) No. 1865-21 have been found to be outside CEQA, as it is common sense that design related issues do not relate to the potential for whether a project causes a significant effect on the environment. (McCorkle Eastside Neighborhood Group v. City of St. Helena, 31 Cal.App.5th 80 (2018)). Toward that end, the City cannot impose conditions of approval that constitute environmental impact mitigation measures exceeding the scope of design review for Site Plan and Design Review (DOR) No. 1865-21.

The decision to exempt this project from CEQA relies on a court case – McCorkle Eastside Neighborhood Group v. City of St. Helena. According to Planning Department staff, the City Attorney (relying on the McCorkle case) has decided that projects based solely on site design are no longer covered by CEQA and will be handled administratively (ie., by staff). Previously, any development project in Carson with site plan and design review was considered covered by CEQA.

This decision is wrong. Private development projects are covered by CEQA when they are “discretionary.” They are exempted from CEQA when they are “ministerial.”<sup>4</sup> This project – and Carson’s site design and review process – is clearly discretionary rather than ministerial:

“CEQA applies to discretionary projects undertaken by private parties. A discretionary project is one that requires the exercise of judgement or deliberation by a public agency in determining whether the project will be approved, or if a permit will be issued. Some common discretionary decisions include placing conditions on the issuance of a permit [Emphasis Added], delaying demolition to explore alternatives, or reviewing the design of a proposed project [Emphasis Added].”<sup>5</sup>

“CEQA does not apply to ministerial projects. A ministerial project is one that requires only conformance with a fixed standard or objective measurement and requires little or no personal judgement by a public official as to the wisdom or manner of carrying out the project. Generally ministerial permits require a public official to determine only that the project conforms with applicable zoning and building code requirements and that applicable fees have been paid. Some examples of projects that are generally ministerial include roof replacements, interior alterations to residences, and landscaping changes.”<sup>6</sup>

In short, a project is ministerial when there is no judgment, but rather only a review to ensure conformity to standards. Review of design elements are rarely considered ministerial, because there is an “editorial eye” that is applied. In fact, one court case expressly describes site plan review as discretionary (Long Beach Sav. & Loan Ass’n v. Long Beach Redevelopment Agency (1986) 188 Cal. App. 3d 249, 263 n.13).

<sup>3</sup> <https://www.freightwaves.com/news/amazon-to-blanket-the-burbs-with-lots-of-delivery-stations>

<sup>4</sup> City of Los Angeles Planning Department, <https://planning.lacity.org/development-services/environmental-review>

<sup>5</sup> [https://ohp.parks.ca.gov/?page\\_id=21723#:~:text=CEQA%20does%20not%20apply%20to,of%20carrying%20out%20the%20project](https://ohp.parks.ca.gov/?page_id=21723#:~:text=CEQA%20does%20not%20apply%20to,of%20carrying%20out%20the%20project)

<sup>6</sup> [https://ohp.parks.ca.gov/?page\\_id=21723#:~:text=CEQA%20does%20not%20apply%20to,of%20carrying%20out%20the%20project](https://ohp.parks.ca.gov/?page_id=21723#:~:text=CEQA%20does%20not%20apply%20to,of%20carrying%20out%20the%20project)



The site plan & design review provision in the Carson Municipal Code requires the Planning Commission to make findings, and the code defines site plan/design review as falling under "Administrative/Quasi-Judicial" processes. Although administrative procedures can be ministerial, quasi-judicial processes almost by definition cannot be, because the "quasi-judicial" part is that the city applies its judgment to the facts of the matter. The "Site Plan and Design Review" section of the Carson Municipal Code<sup>7</sup> clearly indicates that the City applies judgement during the process:

D. Approving Authority Findings and Decision.

1. After the public hearing, the Commission shall, by resolution, render its decision. **The Commission shall approve a Development Plan if it is able to make affirmative findings** [Emphasis Added] based on the following criteria:

- a. Compatibility with the General Plan, any specific plans for the area, and surrounding uses.
- b. Compatibility of architecture and design with existing and anticipated development in the vicinity, including the aspects of site planning, land coverage, landscaping, appearance and scale of structures and open spaces, and other features relative to a harmonious and attractive development of the area.
- c. Convenience and safety of circulation for pedestrians and vehicles.
- d. Attractiveness, effectiveness and restraint in signing graphics and color.
- e. Development scheduling (if phased development) which will satisfy the above criteria in each phase.
- f. Conformance to any applicable design standards and guidelines which have been adopted pursuant to CMC **9172.15**. Such design standards and guidelines may be generally applicable or may specify different requirements for different areas.

When a city can apply substantive conditions to a project, it is generally considered discretionary rather than ministerial as mentioned previously. The Carson Municipal Code section on "Site Plan and Design Review" states that "If... the approving authority finds that the criteria of subsection (D)(1) of this subsection are adequately met, or can be met if specified conditions are observed, the Development Plan shall be approved, subject to such specified conditions."

Exhibit B of the Planning Commission staff report ("CONDITIONS OF APPROVAL DESIGN OVERLAY REVIEW NO. 1865-21") is an 8-page document with 77 conditions imposed by the City on this project, dealing with a number of issues ranging from fees, aesthetics, fences/walls, landscape/irrigation, lighting, parking/traffic, trash, utilities, building and safety, fire department, engineering services department, and licensing. Given the City's clear ability to impose conditions, this process is discretionary rather than ministerial and is therefore covered by CEQA.

#### **Unique Impacts of Last Mile Delivery Stations:**

In preparation for the upcoming Planning Commission hearing, the City of Carson only notified property owners and residents within 750 feet of the facility, but a last mile facility has impacts that go far beyond its immediate vicinity.

In the possible and even likely event that this project will be a last mile delivery station, traffic, noise and pollution impacts will be particularly acute because they will be spread by delivery vehicles that will travel through residential neighborhoods, bringing congestion, noise and pollutants closer to children, seniors and other "sensitive receptors." Delivery to consumers in neighborhoods means that trucks will be driving slowly and idling near homes, making frequent stops and starts, and otherwise emitting greenhouse gases and other particulates not only at the warehouse, but consistently throughout the day in residential areas that are otherwise not zoned to account for such emissions. Currently, however, there is no accounting for the wider impacts inherent in last mile facilities.

Urban planner Daniel Flaming, president of the Economic Roundtable, a Los Angeles-based research non-profit that provides transparent, data-driven policy analysis, notes that last mile facilities have several negative impacts when situated near residential areas: "It would be horrific if you owned a home next to one of these distribution centers. All those loaded trucks have significant road wear issues as well as congestion issues, noise issues and pollution issues."<sup>8</sup>

#### **Traffic Impacts:**

<sup>7</sup> <https://www.codepublishing.com/CA/Carson/#!/Carson09/Carson09010702.html#9172.23>

<sup>8</sup> Southland logistics; Amazon shifting to the fast lane. Redlands 6 U.S. Census Bureau. Time Series of California Intercensal Population Estimates by County: April 1, 1990 to April 1, 2000.



Amazon facilities are known to generate traffic problems, leading to congestion and back-ups onto nearby streets, increasing the potential for accidents and contributing to road wear. This was illustrated in 2019-2020 at an Amazon last mile delivery station in Thousand Oaks:

In late March, officials in Thousand Oaks scrutinized Amazon's fleet of delivery vans on local roadways after local residents complained about traffic congestion. Acrimony revolved around a bottleneck of vehicles trying to enter Rexford Industrial-owned Conejo Spectrum Business Park in Newbury Park -- where Amazon established a presence in 2018 when it transformed a 55,000-square-foot warehouse at 2403 Conejo Spectrum St. into an Amazon Prime distribution center. According to Thousand Oaks Code Compliance Manager Geoff Ware, who led an investigation of Amazon's driving practices since the first complaint was filed in October, the backup has worsened in the past few months "with the numeric value and types of traffic patterns involved with the Amazon location.... It was just an overload of vehicles trying to access the site."<sup>9</sup>

The "Transportation Assessment for the 223rd Street Warehouse Project" memorandum dated Nov. 8, 2021 ("assessment") does not adequately address potential traffic issues given the possibility that this facility may become a last mile delivery station.

The site is planned for a "tiltup warehouse" but the particular nature of this use is not defined and the ultimate tenant or end user is unknown. Despite this uncertainty, the assessment is based on an assumption that the Institute for Transportation Engineers (ITE) Trip Generation Manual Land Use Code 150 will be applicable. Land Use Code 150 is used as the basis of calculating "Project Trip Generation" estimates detailed in Table 1 of the assessment.

Land Use Code 150 is for a traditional warehouse use, i.e., a place where packages are stored for wholesale distribution or for distribution to producers or manufacturers. This is specifically a "long-term storage" facility, according to the ITE manual. The project's zoning designation and project description, however, allow for uses far broader than the specific use associated with Land Use Code 150.

This is a significant distinction, because of the vast disparity between warehouse/distribution uses in the ITE Trip Generation Manual itself. The trip-per-unit figure for Code 150 warehouses is 0.19; the trip-per-unit figures for distribution-focused warehouses (such as last mile delivery stations), i.e., Codes 155 and 156 are 1.37 and 0.64 respectively. Codes 155 and 156 represent significantly higher trip generation characteristics respectively of 7+ times larger than Code 150 and 3+ times larger than Code 150. Since these uses are clearly permitted by this project's zoning designation, the traffic impact calculations are inadequate if this project will ultimately be a last mile delivery station.

The Planning Commission, by approving the project, would be allowing a range of "distribution plants and warehouses," including those that fall under Land Use Codes 155 and 156 of the ITE manual. This includes last mile delivery stations that generate far more traffic than traditional warehouses, and traffic of a particular type: vehicle trips into residential areas to make deliveries.

Last mile delivery stations and distribution centers are more often evaluated as "high-cube" warehouses with significantly higher trip generation characteristics. Importantly, even ITE Land Use Codes 155 and 156 are not typically treated as adequate, because of the unique nature of these e-commerce facilities. In other California localities, e-commerce applicants have conducted bespoke studies based on existing facilities in order to provide CEQA-compliant data for purposes of transportation analysis.

The assessment uses the lowest-level of traffic generation to justify an approval that would allow a significantly more intense type of use. This is precisely what responsible planning should not do. The City of Carson needs to study the full range of allowed uses, or, alternatively, condition approvals to allow only those uses that were actually studied.

#### Parking Impacts:

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<sup>9</sup> "SPACE FOR E-COMMERCE: With the coronavirus crisis encouraging online shopping, companies from Amazon.com to local businesses are in the market for warehouses (REAL ESTATE QUARTERLY: SPECIAL REPORT)," San Fernando Valley Business Journal, April 27, 2020.



The Planning Commission staff report argues that the project has adequate parking:

The proposed development will have adequate street access for pedestrian and vehicles, and also adequate capacity for parking and traffic... Carson Municipal Code Section 9162.21 (Parking Spaces Required) requires 1 parking space for every 1,500 square-feet of gross floor area for warehouse purposes and 1 space for every 300 square feet of office space. Carson Municipal Code Section 9162.24 (Automobile Parking Spaces requires for Mixed Uses) states that office space incidental to warehouse or other industrial uses shall have its required parking spaces computed at the same ratio as the industrial use, provided the office space does not exceed ten percent of the total gross floor area... The applicant proposes 128 parking spaces...

This amount of parking appears to be calculated using the requirements for a traditional warehouse. Last mile delivery stations, however, generate far more traffic than traditional warehouses and require more parking. In fact, parking problems at Amazon facilities have been well documented:

- Insufficient parking spaces and the high volume of last mile delivery vans force workers servicing them to look for parking offsite, taking parking spaces that would otherwise be used by local residents.<sup>10</sup> Teamsters Union members and staff have observed these problems at numerous Amazon facilities.
- The need to park offsite has led to conflicts with workers servicing Amazon warehouses:
  - Several lawsuits filed against Amazon's subcontracted van companies that list Amazon as a joint employer have previously alleged violations of wage & hour laws because they were required to park and pick up their delivery vehicles offsite but Amazon did not compensate them for the time spent traveling from their offsite parking locations to their workplaces.
  - The issue was a central grievance that led to a 2019 walkout of workers in an Amazon warehouse in Minnesota.<sup>11</sup>

Despite these problems, the proposed project will only include 128 parking spaces – or 1 space per every 969 sq. ft. This stands in contrast to other Amazon last mile projects currently under development:

PROJECT LOCATION	SPACE PER SQ. FT.	PARKING SPACES	SQUARE FOOTAGE
Peabody, MA	1 space per 155 sq ft	1,181	183,000
Westbury, NY	1 space per 169 sq ft	237	40,113
Smytontown, NY	1 space per 207 sq ft	309	64,000
Garden City, NY	1 space per 583 sq ft	175	102,091
Carson, CA	1 space per 969 sq ft	128	124,000

#### **The Approval Process Has Provided Little Opportunity for Meaningful Public Input:**

The process for this project has given members of the public little opportunity to participate:

- Notice of the hearing was sent out on January 13, 2022, but only to property owners and residents within 750 feet of the site, even though this project may have impacts far beyond that area.
- The draft resolution approving this project notes that “studies and investigations were made” yet no information on them has been made available to the public.
- The Planning Department devotes 2 sections of its website to publicizing development projects “under review”:
  - A section called “What’s Happening in Development” lists “Projects Under Review” but does not list this project.<sup>12</sup>
  - The website also has an “Interactive map of new developments” that does not include this project.<sup>13</sup>
  - Both of these website features list many other projects, including the “proposed Rascals Teriyaki Grill restaurant (Site Plan and Design Review No. 1802-19, and Variance Nos. 567-19, 571-21, 572-21, and 573-22)” which also has a Planning Commission hearing on the same date as this warehouse project.
- The process has been exempted from CEQA, denying the public a robust opportunity to weigh in with concerns.

<sup>10</sup> “Online Spending to Hit a New Record,” CBS News Transcript, December 2, 2019.

<sup>11</sup> “News Watch,” Labor Notes, September 1, 2019.

<sup>12</sup> <https://ci.carson.ca.us/CommunityDevelopment/planningprojects.aspx>

<sup>13</sup> <https://experience.arcgis.com/experience/7b75252d9fc54c5a90db8f13357b9211>

### This Project May Not Create Good Jobs:

A prime reason for supporting projects such as this one is the prospect of jobs for local residents. Carson City officials, however, may be disappointed in the type of jobs created, if this is an Amazon facility:

#### Negative Impact on Wages:

- According to Bureau of Labor Statistics data for 68 counties where a large Amazon facility was opened, the average compensation for the industry declined more than 6% in the two years after opening.<sup>14</sup>
- A U.S. Government Accountability Office report from October 2020<sup>15</sup> cited in several articles found that in the 9 states covered, more than 4,000 Amazon employees receive SNAP food assistance.
- Pre-pandemic research found that warehouse workers in areas with an Amazon facility earned about 10% less than similar workers elsewhere.<sup>16</sup>

#### Injury Rates Associated with Amazon Facilities:

- OSHA data for 2020 shows that the serious injury rate at Amazon warehouses – meaning workers were hurt badly enough to miss work or be placed on light duty – was almost 80% higher than the entire warehousing industry at 5.9 serious injuries for every 100 Amazon workers.<sup>17 18</sup>
- Despite touting millions spent on safety, internal data show that Amazon leaders went to great lengths to hide an ongoing, and worsening, safety crisis at company warehouses across the U.S.<sup>19</sup>

Amazon Employment Churn: Data shows that when Amazon moves into a county, turnover rates for the entire county skyrocket – in just 2 years, a new Amazon facility increases the turnover rate for warehousing and storage employees an average of 30%.<sup>20</sup> In California, researchers found that the average turnover rate in “Amazon” counties for warehouse workers more than doubled in the years between 2011 and 2017, from 38.1% to 100.9%.<sup>21</sup>

### Conclusion:

For the foregoing reasons, we respectfully request that the Carson Planning Commission refrain from approving the project unless and until the community is allowed greater input into the project, and it goes through the CEQA process.

Sincerely,

Victor Mineros



Director of Organizing  
Teamsters Local 396

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<sup>14</sup> Bloomberg. [Amazon Has Turned a Middle-Class Warehouse Job into a McCareer](#). December 2020.

<sup>15</sup> U.S. Government Accountability Office Report to the Ranking Member, Committee on the Budget, U.S. Senate. FEDERAL SOCIAL SAFETY NET PROGRAMS: Millions of Full-Time Workers Rely on Federal Health Care and Food Assistance Program. <https://www.gao.gov/assets/gao-21-45.pdf>. October 2020.

<sup>16</sup> The Economist. [What Amazon does to wages](#). January 2018.

<sup>17</sup> The Washington Post. [Amazon warehouse workers suffer serious injuries at higher rates than other firms](#). June 2021.

<sup>18</sup> Strategic Organizing Center. [Primed for Pain: Amazon's Epidemic of Workplace Injuries](#). May 2021.

<sup>19</sup> Reveal. [How Amazon Hid its Safety Crisis](#). September 2020.

<sup>20</sup> The New York Times. [Inside Amazon's Employment Machine](#). June 2021.

<sup>21</sup> National Employment Law Project. [Amazon's Disposable Workers: High Injury and Turnover Rates at Fulfillment Centers in California](#). March 2020.



**AGREEMENT ACCEPTING CONDITIONS  
CITY OF CARSON PLANNING DIVISION**

The city of Carson Planning Division, conditionally approved your request for Site Plan and Design Review 1831-20, subject to the conditions of approval. For and in consideration of the grant by the city of Carson Planning Division, I (we), the undersigned do(es), hereby agree to all conditions set forth in the Conditions of Approval. The Conditions of Approval of the discretionary permit(s) govern the use and/or development of the property identified and described below.

Address: 1055 E. Sandhill Avenue

Description: Consider Approval of Site Plan and Design Review 1831-20, to permit a new 126,0138 square foot, tilt-up warehouse building with included 6,512 mezzanine office space with surface parking: including 20 truck loading docks and 2 truck/forklift doors.

Applicant/Property Owner(s): Rexford Industrial, LLC.  
Attn: RJ Rieves  
11620 Wilshire Blvd., 10<sup>th</sup> Floor  
Los Angeles, CA 90025

This agreement shall run with the land and shall bind upon property owner, its successors and assigns, and any future owners, encumbrancers and their successors or assigns, and shall continue in effect until otherwise released by the authority of the relevant agency of the city of Carson or until such time as the Municipal Code of the City of Carson unconditionally permits the release of this Notice of Agreement.

**CITY OF CARSON**

By: Kaneca Pompey, Assistant Planner

Date: January 24, 2022

Dated this \_\_\_\_ day of \_\_\_\_\_, 2022

By: \_\_\_\_\_

Applicant (Type or Print)

\_\_\_\_\_  
Applicant (Signature)

Dated this 26<sup>th</sup> day of January, 2022

By: Carlos Serra

Property Owner (Type or Print)

Carlos Serra  
Property Owner (Signature)