

Thomas P. Donaldson
Trustee of the Patricia A. Donaldson Exemption Trust and the Thomas
P. Donaldson Survivor's Trust
Office address: 19203 S. Figueroa Street
Mailing Address: P.O. Box 419 Gardena, Ca. 90248

February 2, 2023

Ms. Lula Davis Holmes, Mayor
Cedric L. Hicks, Sr., District 3 Councilmember
Jawane Hilton, Mayor Pro Tem and District 1 Councilmember
Jim Dear, District 2 Councilmember
Arleen Bocatilja Rojas, District Councilmember

RE: 2040 Amendment to the general plan and downzoning from ML to BRMU will have severe negative impact on the property value of 18925 Anelo Ave. Carson, Ca. 90248 (APN 7339-009-015) by eliminating industrial uses and allowing uses for which there is no demand.

Dear Mayor Holmes and fellow Councilmembers:

The impending approval of the 2040 Amendment to the general plan will further downzone my property from CAML&D to Business residential mixed use BRMU will have severe negative consequences to the property value of the 1.8 acre industrial property I have owned since 1977. I have continuously used the property ever since purchasing it to operate my trucking company. I use my property as a truck yard to park trucks when they are not in use and have a shop building in which maintenance is performed. I have fuel tanks on the property for my business operations that I installed at considerable expense. My use was outright permitted when I purchased the property, and I have secured all necessary governmental approvals for my operations and property improvements.

A preliminary estimate of the value of damage to the downzoning would be to reduce the value of this property by at least 50% as industrial uses become severely prohibited and development challenges are extreme.

Here is what the new zoning designation would allow:

Business Residential Mixed Use (BRMU)

This designation includes a range of non-nuisance light industrial uses, eating and drinking establishments, offices, artist studios, live-work lofts, breweries, roasteries and other uses compatible with residential areas, promoting development of an urban, walkable environment.

Source: Carson 2040 general plan amendment, land use revitalization, page 2-14. None of these proposed uses are compatible with the lawful vested use to which my property has been openly devoted for the past 50+ years or those of many of my neighboring property owners.

The plan not only fails to properly accommodate existing lawful uses like mine, it also actually proposes to eliminate them. It states that:

Uses that rely on heavy trucking, such as warehouse and distribution facilities, including logistics uses, are not permitted, and service and gas stations, and drive-through establishments are limited. In addition, the following uses will not be permitted; salvage yards, vehicle storage lots, major recycling facilities, truck yards, container yards, lay down yards, container parking, storage, yards, truck terminals, self-storage and similar uses.

Source: Carson 2040 general plan amendment, land use revitalization, page 2-15.

If residential or other sensitive uses are proposed as part of redevelopment, both short-term and long-term compatibility with adjacent existing uses should be considered. Any new uses should be compatible (from noise, odor, air quality perspective) with the pre-existing character of the area, and the current property owners should not be forced to bear the entire financial burden of complying with environmental performance standards (such as containment of noise and air impacts) needed to facilitate a complete overhaul of the neighborhood to accommodate proposed mixed uses which are inconsistent with existing uses.

The city desires mixed use and residential however:

Anelo is highly unsuitable for residential development in all aspects:

1. Anelo is a dead end street, and our property is immediately adjacent to the 405 and 110 freeways, adjacent to high-power voltage lines.
2. There is no foot traffic or high visibility thoroughfare to attract quality commercial uses such as breweries, roasteries and other "compatible" uses as this street is purely industrial in nature with no residential in close proximity.
3. There are limited street lights for night activity in this location.
4. The property is located on septic and does not have sewer hook up connection.
5. The construction of housing in such close proximity to the freeway and power lines would most certainly negatively impact the success of such a development as no one wants to live in close proximity to these elements.
6. There are known environmental issues in this general area due to prior uses and surrounding properties which will negatively impact the health of residents including children in new housing developments.
7. The obstacles to a successful development in this area are formidable and are not conducive to success for a residential developer or to the City of Carson.

As a result of these facts, I am requesting that the City Council and Planning seriously reconsider the downzoning of the Anelo area to BRMU as proposed in the 2040 Amendment and allow the current zoning designation to remain.

I respectfully submit that no good faith consideration has been given to either the existing vested lawful use of my property or its location. My property is perfectly situated for its current use. It is buffered to the west and south by interchange of the Harbor and San Diego freeways. My neighborhood is further buffered to the north and east by the Dominguez channel. These physical characteristics separating my insular industrial neighborhood from other uses in the general vicinity is obvious even from a cursory

examination of the General Plan Land Use Diagram found on page 2-10 of the proposed Carson 2040 general plan amendment.

My use therefore not only has minimal impact on existing neighborhood uses, they will never have any impact to uses on the opposite sides of the freeways to which it is adjacent or any significant impact on properties on the other side of the Dominguez channel. The only possible incompatibility between my existing use and future uses are with those you propose to bring to my neighborhood over my objection. My property was already downzoned from MH several years ago to ML zoning which already limits permissible uses. This proposed action to downzone the property again even further will devalue the property more significantly.

I further submit that existing environmental conditions have not been adequately considered. The predominant source of noise and air quality impacts in my neighborhood originate from the adjacent freeways and will persist even if the character of the neighborhood is changed. Make no mistake, however, that any complaints about noise or air quality will be directed at me and other owners with current similar industrial uses, because future residential users can do nothing about the freeways. I therefore reasonably expect that any environmental enforcement action would target my business operations although my use was lawfully established long before establishment of any of the mixed residential uses the plan proposes moving next to it and even though any impacts arising from periodic coming and going of trucks from my property are miniscule in comparison to the continuous noise and fumes coming from the adjacent freeways and interchange.

In addition, I was informed as the result of an environmental assessment performed in 2020 that there are 3 Los Angeles County landfill-methane sites within 1,000 feet of my property, and methane assessment and mitigation should be considered if my site is redeveloped. I was further informed as a result of that assessment that there are additional nearby sites that pose potential environmental concerns. I was informed that both the Wilmington/Gramercy site on the property adjoining mine to the West and the Carroll Shelby Enterprises site at 19021 S. Figueroa are Dept. of Toxic Substances Control voluntary cleanup program sites. While these environmental conditions in my neighborhood do not significantly limit the current use of my property or other industrial uses, they are a significant concern for, and incompatible with, mixed residential use.


The proposed action not only prevents industrial uses but creates a situation where the only highest and best use buyer for this site would be a residential developer who would face tremendous obstacles should they desire to build and redevelop this location. The ability to mitigate the noise, the air pollution, the sewer connection, the high voltage power lines and costs incurred to be compatible with adjacent industrial uses makes development unfeasible in this particular location.

The public hearings for the proposed 2040 Amendment were primarily geared towards hearing the voices of the residential community. Business and property owners have not been given the opportunity to voice our concerns with regards to unilateral downzoning which diminishes the value of property and damages me financially.

I hope that you will consider the interests of all of your constituents and not just those who want to force redevelopment upon those of us who have been lawfully using our properties for decades, paying taxes, and contributing to the growth and prosperity of Carson. I have been a good neighbor to surrounding properties and ask only that my property not be taken by land use regulations that would

unfairly foist the economic impact of area redevelopment on me and deprive me of the distinct investment-backed expectations that I had when purchasing the property.

Respectfully submitted,

DocuSigned by:
 6/2023
48CD64E92DFD4AB...

Thomas P. Donaldson

Trustee of the Patricia A. Donaldson Exemption Trust and the Thomas P. Donaldson Survivor's Trust.

From: [Mary Guzman](#)
To: [2040 General Plan](#)
Subject: Medium density housing.
Date: Saturday, February 4, 2023 11:23:48 AM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I do not agree with changing the southeast corner of Carson to medium density housing. The area included has great established neighborhoods. Please veto the change.

Sent from my iPad

From: [Christine Gutierrez](#)
To: [2040 General Plan](#)
Subject: General plan 2040.
Date: Friday, February 3, 2023 8:20:14 PM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I am writing to comment on the increase in housing density in my neighborhood. Specifically, the area from Figueroa and Main St, between Sepulveda and 228. One of many examples is traffic on Figueroa, to and from the 110 Freeway coming from this neighborhood is already beyond congestion. I drive to work and the traffic on Sepulveda westbound frequently backs up blocking drivers on Figueroa from entering Sepulveda. When school is in session traffic on 234th Street in the neighborhood gets backed up at the signal and those living on Caroldale Ave have already successfully petitioned the city to install speed bumps to slow down drivers dropping their kids off at school.

The area in question can not sustain more residents and more traffic.

The area is a vibrant area with many households with working members. It is not unusual for families to have 3-4 cars per household. There are already too many cars parking in the street. Increasing density will only add more cars.

Please do not increase the housing in the southwest area of Carson from low density to medium density. This will ruin our neighborhood.

Christine Gutierrez

From: [Mary Guzman](#)
To: [2040 General Plan](#)
Subject: Zone change
Date: Saturday, February 4, 2023 11:40:26 AM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I am sending this email to write a comment in response to the proposed increase in housing density in my neighborhood. Specifically, the area from Figueroa and Main St, between Sepulveda and 228. I am against increasing density as it will only increase an already busy traffic area. Here is One of many examples: traffic on Figueroa, to and from the 110 Freeway coming from this neighborhood is already beyond congested. I used to drive to work and the traffic on Sepulveda westbound frequently backed up blocking drivers on Figueroa from entering Sepulveda. When school is in session traffic on 234th Street in the neighborhood gets backed up at the signal. Those living on Caroldale Ave have been having problems as drivers heading to the school or freeway speed along Caroldale Ave. Those living on Caroldale have already successfully petitioned the city to install speed bumps to slow down drivers. Carriage sale has sped bumps and stop signs. Still people who do not live in the neighborhood speed down Carriagedale. Carriagecrest Park parking is already over flowing onto Figueroa, Sepulveda and into the neighborhood taking scarce parking spots from the occupants.

The area in question can not sustain ant more residents and certainly not more traffic.

The area is a vibrant area with many households with working members. It is not unusual for families to have 3-4 cars per household. There are already too many cars parking in the street. Increasing density will only add more cars to the streets.

These are just some of the reasons as to why I am against increasing the density in my neighborhood.

Please do not increase the housing in the southwest area of Carson from low density to medium density. This will ruin our neighborhood.

Resident of Carson for 66 years
Mary Lea Hopkins Guzman

2040generalplan@carsonca.gov

Sent from my iPad



Herbert E. Gleicke Trust

VIA US MAIL

Benjamin R. Jones
Assistant City Attorney
CITY OF CARSON, CALIFORNIA
701 E. Carson Street
Carson, CA 90749

16th of January, 2023

E-mail: bjones@awattorneys.com

Re: Herbert E. Gleicke Trust, EV Charging, Rental(s) And Servicing
18932 South Broadway Street, Carson, CA 90248
Carson Business License Account # 101128A, # 101128B, #101128C

Dear Mr. Jones:

Thank you for your letter dated the 6th of January, 2023, of which the following is my response.

First, please relay my good wishes to Madame City Attorney Soltani, of whom I have the highest regard and appreciate the contributions she has made on behalf of the of the City of Carson (Carson) and the community.

I have to say that I am disappointed after 9-months of HEG Trust's filing for business license applications for EV Charging, EV Rentals and EV Servicing, that only until now is Carson's Assistant City Attorney advising in writing of any potential issues that may have been of concern from either of Carson's Building or Licensing officials.

Equally disappointing is your lack of explanation of any justification for said delays. Regardless of the merits you have stated in your letter, the fact that 9-months have passed, and only upon my appearance before Carson's City Council on the 3rd of January, 2023, requesting a response, did one arrive from you, is completely unacceptable.

While state law requires all cities to provide *"expedited, streamlined permitting process for electric vehicle charging stations,"* it would appear that Carson prefers to *"obstruct and bureaucratize"* the permitting process for electric vehicle charging stations.

-continued-



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Hence, Carson's actions raise the question of its real intent and whether the position of the City Attorney's office aligns with Carson's Building and Licensing officials. As you have stated in your letter, they have not had an opportunity to review your stated positions.

Unfortunately, it seems that Carson's actions regarding EV charging and other related activities at HEG Trust's Carson's property (subject site) have been all too consistent: *deny any EV charging and other related activities at the subject site.*

Subject Site Use Meeting, Carson Development, Planning Officials, HEG Trust Prospective Tenant and Southern California Edison Meeting, March 2022

On or about the 22nd of March, 2022, Carson Development, Planning, Development Officials and the Assistant City Manager met with a prospective tenant of HEG Trust and a business development executive from Southern California Edison (SCE) at Carson City Hall to discuss plans for the development for EV charging, EV rental and EV servicing at the subject site.

After the prospective tenant and SCE representative made their presentation, the following statements were made by Carson's Community Development Director;

1. *"What benefits would this bring to the City of Carson?"*
2. *"What can you do for the City of Carson?"*
3. *"Are you aware that the City of Carson is presently in litigation with Loren Miles?"*
4. *"Carson will not support your planned use of HEG Trust's site, as our pending General Plan will not allow this use."*
5. *However, we have other sites in Carson that we would be glad to support. I can provide you with those locations..."*

The Community Development Director did in fact provide the prospective tenant alternative addresses in Carson for their consideration, thereby putting an impermissible thumb on the scale.



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It should also be noted that the Assistant City Manager acknowledged (in a recent deposition on behalf of Carson) that he was present at this meeting and *"fully supported and agreed with"* the Community Development Director's response in that meeting.

HEG Trust has not yet decided how it wishes to pursue any damages that may have occurred as it relates to the actions documented above, along with a 9-month delay prior to receiving any written issues of concern, however, the Trust will certainly be carefully evaluating Carson's next response in addressing the issue at hand before proceeding.

Response To Issues Raised In 6th of January, 2023 Letter

Thank you for your clarification regarding CMC §6376. Although, you correctly state that *"CMC §6376 applies only in the context of issuance of separate regulatory permits which are required for certain types of businesses as specified in Part 5 ("Businesses, Professions, Trades and Occupations Requiring a Permit") of Chapter 3 of CMC Article VI in addition to the general business license requirement"* you omitted the fact that within this section of the code, the following uses are permitted;

CMC §63115 Auto Repair Shop.

Permit Fee \$100.00. Every repairer shall keep records upon forms prescribed by the Chief of Police of:

(a) Repairs on every motor vehicle where there is physical evidence of a wreck or collision;

(b) Repairs of a motor vehicle for which a charge of \$10.00 or more is made;

(c) The name and address of every person from whom secondhand parts were obtained. Such person shall sign such records and the repairer shall require such persons to sign such records;

(d) All motor changes, frame changes, body changes and the serial and factory numbers of all radios which he installs. (Ord. 06-1342, § 20)



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CMC §63138 Motor Vehicle Rental.

Permit Fee \$50.00.

(a) Every person conducting the business of renting motor vehicles without providing drivers therefor shall keep a record of all rentals on a form to be prescribed by the Chief of Police.

(b) No person shall rent a motor vehicle without a driver unless the person who is to operate such vehicle first exhibits to the lessor a driver's license duly issued to him by the State of California, or if such person is a nonresident of California, a driver's license of the state of which he is a resident. All information required by the Chief of Police which appears upon such license shall be taken from such license.

(c) A permit issued pursuant to this Section does not permit the sale of such vehicles. (Ord. 71-162; Ord. 06-1342, § 42)

It would difficult to believe that Carson would permit separate regulatory permits as specified in Part 5 for 63115 Auto Repair Shop and CMC §63138 Motor Vehicle Rental, which are exactly the uses that HEG Trust has requested for their business license, yet attempt to argue their lack of permissibility as suggested in your letter.

Accordingly, HEG Trust applied for 3-separate business licenses; (1) EV charging, (2) EV Rentals and (3) EV Repair and therefore, each license should be evaluated on its own merit instead of being bundled together and ruled upon as a single item.

CMC §6310 License Required, Business License, Building Permit Sequence

CMC §6310 states; *(a) It shall be unlawful for any person to commence or conduct, or purport to commence or conduct, either directly or indirectly, any business, profession, trade or occupation as defined in this Chapter within the City of Carson, whether or not said person has a fixed place of business within the City or elsewhere, without first having procured a license and paid the license fees required by the provisions of this Chapter, and without otherwise complying with all the terms and provisions of this Chapter.*



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However, it is lawful to obtain a business license and not yet proceed to commencing said business, or to occupy a building, as referenced in the quoted code section.

HEG Trust has experienced instances where Carson has denied businesses legal and rightful use of their property without substantive or legal cause.

Therefore, and as already evidenced by Carson's actions in March 2022 (as referenced herein) and taking into account the 9-month delay that has transpired (which speaks for itself), HEG Trust insists on obtaining a business license first, before authorizing tens of thousands of dollars on site planning and other related expenses. Further, HEG Trust is well aware the obtainment of a business license at this stage is not an authorization to commence its business, without additional steps that may be required and or may involve Carson's Planning Department. That said, Carson cannot deny issuing a business license because it fears that HEG Trust will begin operating its business.

Once HEG Trust obtains its business license(s), it will have the confidence to commence funding for the next level of commitment, which is the development of the site along with site planning and coordination with Carson Building officials.

Notwithstanding your philosophy and metaphor in *"putting the cart before the horse"* as stated in your letter, under the present circumstances and in response to Carson's prior behavior, we believe obtaining a business license first to be the most prudent course of action and our legal right to do so.

Application Of CMC §6310 As It Relates To The EV Charging, Rental And Servicing

HEG Trust is compliant with CMC §6310(a), as no business activities have yet commenced at the subject site, nor will they until a suitable plan has been developed and submitted to Carson and or the appropriate agencies for approval.

HEG Trust is compliant with CMC §6310(b), as the EV Charging facility will be outdoors and not *"within a building in the City"* as the relevant section states.



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The EV Rental and EV Servicing may operate out of an existing building at the subject site that has already obtained Certificate(s) of Occupancy for the same or similar use and therefore, there should be no conflict nor basis for "*delayed analysis*."

The only difference in the use of these buildings is furniture and or stock parts and items relative to the repair of these vehicles.

There is no physical building improvement planned at this time for any of the business licenses applied for EV Rental and EV Servicing.

Further, no CUP would be required as the buildings located on the subject property are far in excess of 100' of any residential property.

As such, the EV Charging, EV Rental and EV Servicing, (Carson Business License Account # 101128A, # 101128B, #101128C respectively) should be issued immediately without any further delay.

EV Vehicles, Hazardous Materials Issue

Your statement; "*Additionally, a CUP may be required under CMC 9141.1 (as amended by Ordinance No. 21-2120) based on the presence of hazardous materials (as defined in CMC 9141.1) in the electric vehicle batteries or otherwise present in connection with the proposed uses, although this has not yet been confirmed*" lacks foundation and any regulatory support as defined in the CMC.

It is common knowledge that the Mayor and Community Development Director of Carson, among many other city officials and employees drive EV vehicles. However, only at HEG Trust's site, does their exist a "*hazardous materials*" threat?

There has never been any mention, evidence or intentions of any manufacturing or any battery storage at the subject site. Therefore, the raising of this issue is deeply disturbing and indicative of suspicious intentions of purposeful interference by Carson. This is a non-issue, otherwise please provide evidence to the contrary.



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CMC §9141.1 Provides HEG Trust Use Of The Subject Property Located At 18932 South Broadway, Carson, Electric Charging, For Rental, And Servicing Of Electric Motor (EV) Vehicles Under CMC §9141.1 As A Matter Of Right

CMC §9141.1 states that the following uses are *"Automatically permitted use"* (X) and or *"Automatically permitted use provided special limitations and requirements are satisfied as noted herein, in Division 8 of this Part and in Division 8 of Part 3,"* (L), (please see Exhibit A).

1. *"Vehicle repair (no limit on size of vehicle), equipment and machinery repair, subject to the limitations of CMC 9138.2 if within 300 feet of other than an industrial zone"* (Note: Subject site exceeds 300 feet from a residential zone.)
2. *"Equipment Sale and Rental: Motor vehicles and heavy equipment of all types and sizes, contractor's equipment, agricultural equipment"*
3. *"Fuel yard (not covered elsewhere, including propane"*
4. *"Motor vehicles (not including impounding yard)"*

CMC §9141.1 is presently in place, and contrary to your statement; *"Additionally, please note that the City will consider adoption of a comprehensive General Plan and Zoning Ordinance update in the very near future, and such changes could affect this analysis,"* Carson cannot enforce a zone change or regulations that are not presently in effect, or believed to be sometime in the future. Such an assertion would materially restrict HEG Trust's rights and negatively affect the subject property's value, thus exposing Carson to a damages claim. Further, such an assertion is contrary to the California Constitution Article 1 – Declaration of Rights, Section 9; *"A bill of attainder, ex post facto law, or law impairing the obligation of contracts may not be passed."* (Sec. 9 added Nov. 5, 1974, by Prop. 7. Res.Ch. 90, 1974.)

We wish to remind you that Mr. Nasseh made this same assertion on the 22nd of March, 2022, nearly a year ago by refusing a prospective tenant of HEG Trust from obtaining permission to operate at the subject property because of the *"pending General Plan will not allow this use."*



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Carson 2040 General Plan Is Fatally Flawed

If arguendo, even if the Carson 2040 General Plan was approved by Carson City Council, the subject property would not be able to be used for the recommended re-zone use of "Mixed-Use, Business-Residential," as the site has substantial and material contamination. Said contamination would pose a serious health risk to the re-zoned Mixed-Use, Business-Residential occupants.

First, Carson had omitted from all of their maps submitted in their EIR a material contamination site contributing to the subject property site, as indicated by red arrows. The red arrow on top is the contributing contamination site and the red arrow below is the recipient of the contributing contamination site. It should be noted that the material contamination site is Carson's Maintenance Yard, located at 18620 South Broadway, Carson, CA 90248. The recipient of the contributing contamination site is HEG Trust's property (subject site) located at 18900 South Broadway, Carson, CA 90248. It has been determined that the ground water has been contaminated at the Carson Maintenance Yard as follows;

TCE 10,100 mg/L
PCE 12,900 mg/L
DCE 14,000 mg/L

As it has been independently established that the groundwater flows from the north to the south, the following contamination has been proved at the HEG Trust's site as follows:

DCE is 1300 ug/L in MW-5
Vinyl Chloride 300 ug/L in MW-5
PCE is ug/L 440 in MW-2

The regulatory limits for each are around 5 ug/L (or parts per billion).

Said contamination can be corroborated by visiting GeoTracker as follows;

https://geotracker.waterboards.ca.gov/profile_report?global_id=T10000011962



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The maps that have omitted the Carson Maintenance Yard, compiled and drafted by Carson are as follows;

(Please see Exhibit B), *"Toxic Releases from Facilities"*

(Please see Exhibit C), *"Threats to Water Quality"*

(Please see Exhibit D), *"Hazardous Waste"*

(Please see Exhibit E), Map showing proximity of the two sites

(Please see Exhibit F), Map showing Carson 2040 General Plan Re-Zoning To Mixed Use, Business Residential

(Please see Exhibit G), Map showing current General Plan showing subject site situated in a Manufacturing Heavy Zone

(Please see Exhibit H), Map showing Carson 2040 General Plan Re-Zoning To Mixed Use, Business Residential overlapping a known and established contamination zone "BKK, Nissan site"

(Please see Exhibit I), Map showing Carson 2040 General Plan Re-Zoning To Mixed Use, Business Residential overlapping a known and established contamination zone "BKK, Nissan site" map (without contamination graphic)

In conclusion, Carson omitted in their own EIR maps that designate contaminated areas, their own property, and in doing so, blindly recommended in the Carson 2040 General Plan that the HEG Trust subject site is qualified for Re-Zoning To Mixed Use, Business Residential. This egregious error must be corrected by reverting the subject site in question back to its original "Manufacturing Heavy" zoning designation.

With all due respect, your statement regarding any future analysis yet to be determined based on the General Plan and Zoning Ordinance cannot apply to either the subject site or form the basis for denial of the business license application(s) in question for the reasons stated herein.



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Carson Is Obligated To Perform A Limited Review For "Nondiscretionary Permit" Under AB 970

Thank you for your comments regarding the County of Los Angeles' (County) role in processing applications in compliance with AB 1236 and AB 970.

However, you have avoided addressing the specific allegation that HEG Trust had made in its letter to Mr. Nasseh and Ms. Gaiennie, dated the 15th of December, 2022, whereas HEG Trust stated;

"It would appear that not only is the City Of Carson ignoring the California State's Order, it is delaying a business licenses for close to 9-months since it was first filed."

AB 970, SECTION 1. Section 65850.7., of the Government Code, 65850.7. (a) The Legislature finds and declares as the relevant section states (in italics except as indicated);

(1) The implementation of consistent statewide standards to achieve the timely and cost-effective installation of electric vehicle charging stations is not a municipal affair, as that term is used in Section 5 of Article XI of the California Constitution, but is instead a matter of statewide concern. Therefore, this section applies to all cities, including charter cities.

It would appear that relevant section stating "*is not a municipal affair*" would preclude Carson's interference and would specifically require Carson's compliance.

"but is instead a matter of statewide concern. Therefore, this section applies to all cities, including charter cities."

Conveys the urgency of a statewide concern and that this code is specifically applicable to Carson.

(2) It is the intent of the Legislature that local agencies not adopt ordinances that create unreasonable barriers to the installation of electric vehicle charging stations, and not unreasonably restrict the ability of homeowners and agricultural and business concerns to install electric vehicle charging stations.



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It would appear that Carson's actions are in direct opposition of the code, (a) Carson officials interfering with lawful request for access to the site by potential interested parties (as referenced herein), (b) by the undue and unlawful delay in issuing a business license as provided by right under the CMC.

(3) It is the policy of the state to promote and encourage the use of electric vehicle charging stations and to limit obstacles to their use.

(4) It is the intent of the Legislature that local agencies comply not only with the language of this section, but also the legislative intent to encourage the installation of electric vehicle charging stations by removing obstacles to, and minimizing costs of, permitting for charging stations so long as the action does not supersede the building official's authority to identify and address higher priority life-safety situations.

Carson's actions are in direct opposition of the code by your statement in your letter dated the 6th of January, 2023;

"please note that the City will consider adoption of a comprehensive General Plan and Zoning Ordinance update in the very near future, and such changes could affect this analysis. The first Planning Commission hearing on the General Plan update is on January 10, 2023."

(b) A city, county, or city and county shall administratively approve an application to install electric vehicle charging stations through the issuance of a building permit or similar nondiscretionary permit. Review of the application to install an electric vehicle charging station shall be limited to the building official's review of whether it meets all health and safety requirements of local, state, and federal law. The requirements of local law shall be limited to those standards and regulations necessary to ensure that the electric vehicle charging station will not have a specific, adverse impact upon the public health or safety. However, if the building official of the city, county, or city and county makes a finding, based on substantial evidence, that the electric vehicle charging station could have a specific, adverse impact upon the public health or safety, the city, county, or city and county may require the applicant to apply for a use permit.



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Although, no "use permit" has been sought by HEG Trust, it would appear that Carson vis a vis its Community Development Director starting in the March 2022 meeting with his tortious interference with an advantageous business relationship (as referenced herein) up to the present with a 9-month delay in issuing a business license show Carson's failure to *"administratively approve an application to install electric vehicle charging stations through the issuance of a building permit or "similar nondiscretionary permit."*

Further, Carson has failed to provide any *"written findings that the proposed installation would have a specific, adverse impact upon the public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact."*

(c) *A city, county, or city and county may not deny an application for a use permit to install an electric vehicle charging station unless it makes written findings based upon substantial evidence in the record that the proposed installation would have a specific, adverse impact upon the public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact. The findings shall include the basis for the rejection of potential feasible alternatives of preventing the adverse impact.*

Again, Carson fails to produce *"written findings based upon substantial evidence in the record that the proposed installation would have a specific, adverse impact upon the public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact. The findings shall include the basis for the rejection of potential feasible alternatives of preventing the adverse impact."*

(4) *"Specific, adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified, and written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.*

Carson has failed to provide any written *"Specific, adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified, and written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete."*



Herbert E. Gleicke Trust

Benjamin R. Jones
CITY OF CARSON, CALIFORNIA
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16th of January, 2023

Carson's AB 970 Compliance Date

You state in your letter as follows; *"AB 970 made modifications, applicable to the City as of January 1, 2023, pertaining to the requirements for processing and approval of applications submitted under the established expedited, streamlined permitting process."* You also acknowledge that *"Please understand that the County of Los Angeles ("County") serves as the City's Building Department pursuant to a contract between the County and the City."* By allowing the County to serve as Carson's Building Department, Carson does not meet the threshold of AB 970's effective date as the relevant section states; *"for every city, county or city and county with a population of less than 200,000 residents,"* which would have been in effect on the 1st of January, 2023. As the County has a population of nearly 10-million, the earlier deadline was in effect on the 1st of January, 2022. This was confirmed by the Governor's office.

Local City Police Powers And State, Federal Preemption

The "Police" Power

The California Constitution provides that a city may make and enforce within its limits all local, police, sanitary and other ordinances and regulations not in conflict with general laws.

This is commonly known as the "police power," and is often referred to as the city's regulatory authority to protect the public health, safety and welfare.

Preemption

A city's regulatory authority may be restricted if the proposed local ordinance or regulation conflicts with federal or state general laws. This is a concept known as "preemption." Federal or state law may preempt a city's ability to legislate in a particular area, either explicitly or by implication. The test for preemption of local law by federal or state laws is similar. A local ordinance will be preempted by state law when it is in express conflict with state law.



Herbert E. Gleiche Trust

Benjamin R. Jones
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16th of January, 2023

Preemption may also occur even when there is no express conflict if the state law has fully “occupied the field” of regulation.

The State of California has provided quite specific code guidance on how Carson should proceed regarding HEG Trust EV Charging business licenses and Carson is obligated to comply.

Conclusion And Path Forward

HEG Trust would hope that after your review of the response herein, that more cooperative and partnership driven approach will occur between the parties.

HEG Trust will need the Community Development Director and any Carson Official to immediately cease and desist from any action that would negate, mislead or interfere with a strategic business relationship and maintain confidentiality as to any information provided on behalf of HEG Trust on any matter (that is not intended for public disclosure), and particularly on the subject of EV Charging, EV Rentals and EV Servicing.

HEG Trust respectfully requests the immediate issuance and without further delay, the business licenses applied 9-months ago and are identified as follows;

Carson Business License Account # 101128A, # 101128B, #101128C

HEG Trust will offer to enter into an agreement (if deemed required) with Carson as to not commence any business activities associated with said business licenses, until all necessary building, safety, electrical, permits, etc., have been applied, information provided and ultimately approved by the appropriate agencies.

HEG Trust requests that Carson provide timely responses to enquiries relating to the EV Charging, EV Rental and EV Servicing businesses.

HEG Trust requests that Carson abandon any inappropriate delay tactic and agrees to comply with current CMC codes, State and Federal laws as it relates to the intended use of the subject property site.



Herbert E. Gleiche Trust

Benjamin R. Jones
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16th of January, 2023

As time is of the essence, HEG Trust would appreciate your written response as stated herein within the next 7-days from the date of this letter.

After your written response has been received, HEG Trust would very much like to accept your offer to meet to discuss any remaining issues under certain conditions.

HEG Trust has been in communication with Governor Newsom's office as well as other State agencies regarding the present challenge of failing to obtain from Carson a timely response and issuance of the business licenses in question.

As such, the Governor's office has referred this matter to the Governor's Office Of Business And Economic Development (GO-BIZ), Ms. Lillian Conroe, Senior Permit Specialist, Southern California Region. Ms. Conroe has been informed of the present circumstances and has agreed to meet with all of the parties.

HEG Trust would respectfully request a meeting with the following parties;

1. Ms. Lilian Conroe, GO-BIZ, Senior Permit Specialist
2. (Either) Carson City Attorney or Assistant City Attorney
3. Development Director Nasseh
4. Loren Miles, HEG Trust
5. HEG Trust Land Use Advisor and possibly other State Agency representatives

At Carson City Hall, at a time convenient to all parties.

Carson and HEG Trust is at a crossroads regarding the issue of the EV Charging, EV Rental and EV Servicing at the subject site. The Trust believes and hopes that all parties will cooperate and rise to any challenge to be compliant with the law and responsive to the community needs, as everyone's resources will be better utilized.

As always, I look forward to working with you, the city of Carson and the community in reaching its fullest potential.



Herbert E. Gleicke Trust

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16th of January, 2023

Thank you for your consideration.

Sincerely,
HERBERT E. GLEICKE TRUST

A handwritten signature in dark ink, appearing to be "Loren Miles". The signature is written in a cursive style with a large, stylized "L" and "M".

Loren Miles
Trustee

LM/vp

From: [Saied Naaseh](#)
To: [2040 General Plan](#)
Subject: FW: Carson General Plan 2040
Date: Monday, February 6, 2023 12:33:29 PM

-----Original Message-----

From: Phil Lavendar <philav123@gmail.com>
Sent: Friday, February 3, 2023 8:32 PM
To: Saied Naaseh <snaaseh@carsonca.gov>
Subject: Carson General Plan 2040

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Director Naaseh,

Please advise how I can provide feedback on the plan before the Feb 15 study session and the Feb 25 council meeting. Is the plan proposing to change the density of the houses along 228th St and Sepulveda from low to low medium? Are low medium density neighborhoods manifested by more apartments?

Thanks for your help.

Richard Morallo
Carson resident
Cell 310 974-0934

Sent from my iPhone

From: [Saied Naaseh](#)
To: [2040 General Plan](#)
Subject: FW: Carson General Plan 2040
Date: Monday, February 6, 2023 12:33:36 PM

From: Phil Lavendar <philav123@gmail.com>
Sent: Saturday, February 4, 2023 6:54 PM
To: Saied Naaseh <snaaseh@carsonca.gov>
Subject: Fwd: Carson General Plan 2040

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Also, are gated communities exempt from the plan's proposal to change the density from low to low medium? Thanks.

Sent from my iPhone

Begin forwarded message:

From: Phil Lavendar <philav123@gmail.com>
Date: February 3, 2023 at 8:32:10 PM PST
To: snaaseh@carsonca.gov
Subject: Carson General Plan 2040

Hello Director Naaseh,

Please advise how I can provide feedback on the plan before the Feb 15 study session and the Feb 25 council meeting. Is the plan proposing to change the density of the houses along 228th St and Sepulveda from low to low medium? Are low medium density neighborhoods manifested by more apartments?

Thanks for your help.

Richard Morallo
Carson resident
Cell 310 974-0934

Sent from my iPhone



LAW OFFICES OF PEGGI COLLINS

PEGGI COLLINS
ATTORNEY
peggi@pcollinslaw.com

ANN BERGERSEN
LEGAL ASSISTANT
ann@pcollinslaw.com

February 9, 2023

Our File No. 6964.03

Planning Commission Members
City of Carson
701 E. Carson St.
Carson, California 90745

Re: Agenda Item #5

Mssrs. And Mmes.

I represent C&K Walker, LLC, a California limited liability company, the owner of real property located at 18903 Anelo Ave., Carson, California. I have included a map of the area and placed an arrow indicating the exact location of my client's property.

As shown on the map, my client's property is in an area proposed to become Business Residential Mixed Use in the re-zoning plan. For more than forty years, my client's property has been used by a plastics manufacturing business and has had a number of environmental issues. I would imagine that the adjacent properties have, too. It is, most certainly, not a candidate for residential use.

If you aren't familiar with the area, you might want to do a site inspection. Anelo Avenue is a dead-end street with only a few businesses engaged in light-industrial and warehouse activities. There is a lot of heavy traffic which would not be conducive to residential use. The L.A. River is a flood control channel running parallel to Anelo Avenue which would be an attractive nuisance to children if the area were to be zoned residential. In addition, there are 20,000-volt power lines running across my client's property. The constant flow of electricity through these transmission lines creates low-frequency, non-ionizing radiation. While there don't appear to be any conclusive

studies that such radiation causes cancer, it is possible. One more reason that the area should not be considered for residential use.

Please, seriously, consider leaving this triangle of light industrial business zoned as it is.

Very truly yours,

LAW OFFICES OF PEGGI COLLINS

A handwritten signature in cursive script that reads "Peggi Collins".

PEGGI COLLINS

PC/ab

Enclosure

cc: Charles Walker
Lee Aceves

PETITION TO CARSON CITY COUNCIL

Each of the undersigned owns real property that is the subject of a proposed rezoning plan. Our properties are, currently, zoned and used as light industrial. The proposed rezoning plan indicates that our properties are to be rezoned to Business Residential/Mixed Use. We oppose such rezoning. Our properties, and the area in general, are not conducive to any type of residential use. Furthermore, should this plan be adopted:

A) No one will want to buy any of our properties to demolish and build a modern building, as the city would not allow industrial construction under a Business Residential/Mixed Use zone.

B) No one will want to buy property on Anelo to build apartments, as the city would not allow building residential property under the high voltage power lines above our properties, not to mention the adjacent flood control channel being an attractive nuisance to children.

C) No one will want to invest millions of dollars building a retail commercial property on a street that IS NOT a major street with high visibility.

Bottom line:

Any sale or acquisition of property on Anelo would be left in limbo. Our property values would be greatly diminished as there would be no market for them.

It is imperative that city council members pay a visit to Anelo Ave., to appreciate the unique predicament that the owners would be left with, should Anelo Ave. not be excluded from the proposed rezoning.

PLEASE consider a visit to Anelo Ave. before your final vote to rezone.

We will make sure to have as many owners on Anelo Ave. as possible present if you give us a date and time to meet.

1. 19203 S FIGUEROA ST
CARSON, CA 90745

APN: 7339-009-002

CICORIA, VIRGIL ORLANDO
521 E D ST
WILMINGTON, CA 90744-6001

Signature: 

2. 19105 S FIGUEROA ST
GARDENA, CA 90248-4515

APN: 7339-009-003

HENDRICKS COMMERCIAL PROPERTIES
525 3RD ST, STE 300
BELOIT, WI 53511-6225

Signature: _____

3. 19020 ANNALEE AVE and 18930 ANNALEE AVE
CARSON, CA 90746-2612

APN: 7339-009-005 and 7339-009-006


CUMMINGS M NEI (CO-TR); CARROLL SHELBY (DECD) TRUST
19021 S FIGUEROA ST
GARDENA, CA 90248-4510

Signature: 

4. 18903 ANELO AVE
CARSON, CA 90746

APN: 7339-009-013

C AND K WALKER LLC
6622 TROTTER DR
HUNTINGTON BEACH, CA 92648-1540

Signature: 

5. 19019 ANELO AVE
GARDENA, CA 90248-4502

APN: 7339-009-014

BROWN MICHAEL J; BROWN FAMILY TRUST
19019 ANELO AVE
GARDENA, CA 90248-4502

Signature: _____

6. 18925 ANELO AVE
GARDENA, CA 90248-4501

APN: 7339-009-015

DONALDSON THOMAS P; DONALDSON FAMILY TRUST
6226 PARIMA ST.
LONG BEACH, CA 90803-2108

Signature: 

From: [Jason Newton](#)
To: [2040 General Plan](#)
Subject: predatory pricing in apartment complexes
Date: Friday, February 3, 2023 11:45:19 PM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello,
My name is Jason Newton

I live in alta south bay at 90502 and write today to warn of a problem I've been studying for several years and I believe is of major concern to the 2040 generalplan implementation..

The plan desires to increase medium density and likely create more opportunities for complexes such as the various "South Bay" apartment complexes in the area. The 4-5 story variety, wooden structures..

These complexes use predatory pricing software and has been shown to cause runaway effects - there's an active case right now for racketeering with the pricing software acting as the information dealer making sure every rental property is effectively colluding and pushing the same high pricing rather than letting the market figure a fair price. It's not good for a neighborhood if > 50% of income goes to paying rent in an apartment with no equity ever coming out of it and nobody owns anything. The DOJ is also investigating them. The biggest named software is yieldstar but there are more of them if you look around:

<https://www.propublica.org/article/yieldstar-rent-increase-realpage-rent>
<https://gizmodo.com/realpage-yieldstar-high-rent-housing-class-action-suit-1849683731>
<https://www.propublica.org/article/yieldstar-realpage-rent-doj-investigation-antitrust>

The future shouldn't include these places, they don't answer housing problems as they are not affordable and will prioritize vacant apartments over housed individuals to keep prices artificially high. They are small, wooden structures with questionable building safety wrt earthquake, especially fire and come with so many inspections and requirements that residents can no longer affordably own pets, do barbecues/cookouts, maintenance vehicles, store things, have a backyard, choose their own appliances - not even to use a gas stove, including the portable kind.

I implore you even if I cannot change any individuals mind about building these complexes, as someone who's lived in various versions of them for 10 years now - do not allow them to use pricing optimization software at the very least. Get it in contract that they are forbidden from pricing collusion activities and the use of price optimization software - make it broad enough that they can't work around it with such steep penalties that it cannot be a cost of doing business or passed onto the consumer.

In addition:
Force them to offer a fair value equiquity in concert with rent.

Control their arbitrary rule making abilities

Increase building code strengths, earth quake safety with 4 floors is a major issue - the current place I am at is \$3000/ rent and the floor is becoming less level by the year with cracks in the walls, doors no longer open easily. Fires are major safety issues at large wooden structures.

Address large shortage of electric vehicle charging solutions, inefficient air conditioner/heating, no ability to do solar.

Again advising these properties do not work, they are terrible and playing a significant part in the erosion of the american dream. Figure something that offers society equity rather than a collusion-laden virtual monopolized subscription service everybody of all walks of life will get priced out of.

Sincerely,
Jason Newton



CARROLL HALL SHELBY TRUST

January 25, 2023

VIA E-MAIL (2040generalplan@carsonca.gov)

Saied Naaseh

Planning Manager – City of Carson

701 E. Carson St.

Carson CA 90745

**Re: Shelby Property Located at 19021 S. Figueroa St., Gardena CA 90248
("Shelby Property")
General Plan Update Discussion/Concern**

Dear Saied:

It was good talking to you today with reference to the Shelby Property and how it may be affected by the newly proposed "General Plan," specifically the change in zoning from the current (over the past 50 years) use of "light industrial" to a new zoning contemplated by the General Plan as "mixed use." As I mentioned to you today, until the past week I had not been aware of how this General Plan may affect the Shelby Property, and now that I am aware Shelby is concerned that the re-zoning of our property (which is owned by the Carroll Hall Shelby Trust) will dramatically decrease the value of the property, and accordingly dramatically decrease the assets of the Shelby Trust. The Shelby Trust is the entity by and through which many programs are funded, including the nonprofit purposes of the Carroll Shelby Foundation (www.cscf.org).

As you know, Shelby has been privileged to be a resident in Gardena for over 50 years, dating back to the 1970s when Carroll Shelby first purchased the property. The city of Carson has always been very accommodating and understanding of the uses to which this property has been put (both commercial and nonprofit). For reference purposes I am attaching photographs taken today of the outside and inside of the Shelby Property.

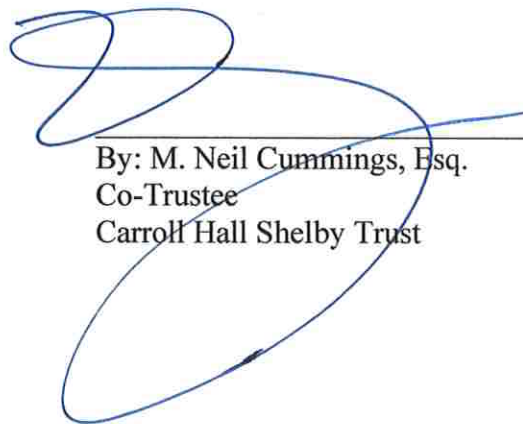
This letter, on behalf of the Shelby Trust, is to formally and respectfully request that the zoning for the Shelby Property remain "light industrial." To change the zoning after 50 years would be, with all due respect, fundamentally unfair to the Shelby Trust as it would dramatically decrease the value of the property, and thereby decrease the assets of the Shelby Trust, which ultimately will all be transferred to the Carroll Shelby Foundation.

I realize and fully support the efforts of the City of Carson to update the general guidelines for uses of property within the city. I also realize that the city has gone through environmental processes required by CEQA, etc. Respectfully, although the implementation of a new "general" plan is valuable as an overall operating guideline for the city, it is hoped that this

General Plan will not retroactively decrease the value of a valued resident of Carson (the Shelby Property) after 50 years of use as "light industrial."

I welcome the opportunity to talk with you, and the City Council, further about this matter. Your consideration is much appreciated.

Very Truly Yours,
Carroll Shelby International, Inc.

A large, stylized handwritten signature in blue ink, consisting of several loops and a long horizontal stroke extending to the right.

By: M. Neil Cummings, Esq.
Co-Trustee
Carroll Hall Shelby Trust

MNC: jk

Shultz Properties, Inc.

15 Johns Canyon Road

Rolling Hills Ca 90274

310-327-6100

01-26-2023

Community Development, Economic Development Commission, and City Council

Attn.: Saied Naaseh, Director of Community Development

SNaaseh@carsonca.gov and 2040generalplan@carsonca.gov

701 E. Carson St.

Carson, CA 90745

RE: Request to Retain Light Industrial Zoning (INL) designation for 18421 S. Main St.

Saied Naaseh, Economic Development Commission, and City Council,

18421 Main St is currently Zoned as Light Industrial (INL) with S-1, F-1, and B Occupancies.

Prior to October, 2018, the building owned by Shultz Properties Inc (SPI), was used as a Warehouse and Storage Building with an office area less then 10% of the total building area.

S-1, and B Occupancies.

This use had heavy truck traffic, and truck docks, and included light logistics use.

After November, 2018, the same building and same owner, submitted and was approved for a

T.I. to construct soundstages for rental. The same office area was retained, and two S-1

Occupancy's totaling 9,893 sf, Warehouse areas, were retained from the previous use.

S-1, F-1, and B Occupancies.

These soundstages currently have heavy truck traffic, use the existing truck docks, and includes light logistics use.

Both uses rely on heavy truck traffic, but it's intermittent traffic (like the existing neighboring lumber yard), not continuous like a freight hub.

Unfortunately, the demand for Soundstages in Carson has been much lower than anticipated, and the building owner, SPI, can no longer afford to stay in that business. We need to sell the property. This is a beautiful commercial property, that is nicely landscaped, and well maintained.

If the Zoning were to be changed from INL to BRMU, then It will be highly unlikely that owner would be able to sell the building. The BRMU zoning designation from the 2040 General Plan is too restrictive for this property.

SPI is asking for the City of Carson to retain the INL Zoning designation for the property so it can be sold, will you help please.

Best regards,



Stephen W Shultz

President, Shultz Properties Inc.