



WEDNESDAY, July 29, 2020

PLEASE NOTE:

This is an adjourned regular meeting (adjourned from the July 28, 2020 regular meeting)

701 East Carson Street, Carson, CA 90745

6:30 p.m., Via Zoom

**DISPOSITION
ADJOURNED REGULAR MEETING OF THE
PLANNING COMMISSION**

Members:

Alex Cainglet	Uli Fe'esago	Ramon Madrigal (Vice-Chair)
Michael Mitoma	Chris Palmer	Ramona Pimentel (Chair)
Myla Rahman	Karimu Rashad	Daniel Valdez

Alternates:

Louie Diaz	Patricia Hellerud	Paloma Zuniga
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Staff:

Planning Manager Betancourt	Assistant City Attorney Jones
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"In accordance with the Americans with Disabilities Act of 1990, if you require a disability related modification or accommodation to attend or participate in this meeting, including auxiliary aids or services, please call the Planning Department at 310-952-1761 at least 48 hours prior to the meeting." (Government Code Section 54954.2)

1. CALL TO ORDER

Chair Pimentel called the meeting to order at 6:36 p.m.

2. ROLL CALL

Planning Commissioners Present: Cainglet, Fe'esago, Madrigal, Mitoma, Palmer, Pimentel, Rahman, Rashad, Valdez

Planning Commissioners Absent: None

Planning Commission Alternates Present: None

Planning Staff Present: Planning Manager Betancourt, Community Development Director Naaseh, Assistant City Attorney Jones, Assistant City Attorney Lee, Assistant Planner Castillo, Assistant Planner Bhatia, Recording Secretary Bothe

6. CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

A closed session will be held pursuant to Government Code Section 54956.9 (d)(2) or (d)(3) and (e)(1) because there is significant exposure to litigation in one potential case.

The closed session commenced at 7:33 p.m. and reconvened at 8:40 p.m.

Assistant City Attorney Lee stated no reportable action was taken.

7. CONTINUED PUBLIC HEARING

A) Site Plan and Design Review (DOR) 1745-18, Conditional Use Permit (CUP) 1074-18, Specific Plan (SP) 18-18, General Plan Amendment (GPA) 108-18 and Entitlement Agreement (DA) 24-18

Applicant's Request:

The applicant, KL Fenix Corporation, is requesting consideration of applicant's proposal for construction of 53,550-square-foot structure with 39,500 square feet of warehouse space, 14,050 square feet of office space, 6 loading docks, 115 passenger vehicle parking spaces, 475 cargo container/truck spaces. The subject property is located at 20601 S. Main Street.

Staff Report and Recommendation:

Assistant Planner Bhatia presented staff report and the recommendation to ADOPT Resolution No. 20-2696, entitled, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON APPROVING SITE PLAN AND DESIGN OVERLAY REVIEW NO. 1745-18, CONDITIONAL USE PERMIT NO. 1074-18 AND RECOMMENDING APPROVAL TO CITY COUNCIL FOR GENERAL PLAN AMENDMENT NO. 108-18, SPECIFIC PLAN NO. 18-18, ENTITLEMENT AGREEMENT NO. 24-18, MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM (MMRP) FOR A PROPOSED CARGO CONTAINER PARKING FACILITY AT 20601 S. MAIN STREET."

Planning Commission Decision:

Chair Pimentel moved to approve the applicant's request to include 475 container/truck spaces and warehouse building; fine of \$1,000 per violation, but if at any time during any month there are 10 or more violations, the project will be brought back to the Planning Commission to consider raising the amount of the fines.

Assistant City Attorney Lee offered his recommendations to supplement the motion to add conditions of approval requiring the warehouse to be built concurrently with the rest of the project, remove the reference to the 1,000-foot buffer for residential and institutional uses in the Specific Plan, and modify the Resolution, Section 2, so that Subsection 1(h), first sentence will read, "The proposed Cargo Container Parking facility will not be incompatible with the character of the surrounding uses" and Subsection 2(e), first sentence will read, "The proposed Cargo Container Parking facility will not be incompatible with the intended character of the area."

Chair Pimentel accepted Assistant City Attorney Lee's recommendations to supplement the motion.

Vice-Chair Madrigal offered a friendly amendment to the motion that the container/truck spaces become permanent after 7 years if there is no certificate of occupancy for a residential development on the adjoining parcels and that the warehouse become a permanent use. (This friendly amendment was later revised.)

Commissioner Palmer seconded the motion.

Commissioner Cainglet offered a friendly amendment to the motion that the applicant place \$50,000 in an escrow account as a good faith gesture to be used by the City in the event of any future litigation from this project, in effect, serving as an up-front payment toward applicant's indemnity obligation with the understanding that applicant is required to fully indemnify and defend City for all litigation costs. Commissioner Cainglet also expressed his objection to the 7-year term.

Vice-Chair Madrigal agreed to amend his friendly amendment to include a term of 7 plus 3 years.

Mr. Segovia agreed to put \$50,000 in an escrow account.

After further discussion, Vice-Chair Madrigal revised his friendly amendment that if no residential or commercial project is built within 10 years on Parcels 3, 4, or 5, the 475 container/truck spaces and use will become permanent. The warehouse to stay a permanent use regardless of adjacent projects.

The makers of the motion accepted the friendly amendments.

Following further discussion and clarification by the Commission, Assistant City Attorney Lee recapped his understanding of the motion:

- Approve 475 container/truck spaces for 10 years and warehouse building;
- Should a residential and/or commercial project for Parcels 3, 4, or 5 be built within 10 years after Certificate of Occupancy is issued for applicant's project, the 475 container/truck space Cargo Container Parking facility use and operations will cease permanently. The warehouse will be permanent regardless of development of adjoining projects;
- Applicant is to place in an escrow account \$50,000 as a good faith gesture that will be used by the City for any litigation resulting from this project;
- Amend the resolution/conditions as follows:
 - The warehouse shall be built concurrently with the rest of the project
 - Edit the reference to the 1,000-foot buffer for residential and institutional uses
 - Fines to remain \$1,000. But at any time if there are 10 or more violations in one month, the project would be brought back to the Planning Commission to consider raising the amount of the fines
 - Resolution, Section 2, Subsection 1(h), first sentence will read, "The proposed Cargo Container Parking facility will not be incompatible with the character of the

surrounding uses” and Subsection 2(e), first sentence will read, “The proposed Cargo Container Parking facility will not be incompatible with the intended character of the area.”

The revised motion carried as follows, 7-1, adopting Resolution No. 20-2696:

AYES: Cainglet, Madrigal, Mitoma, Palmer, Pimentel, Rahman, Rashad
NOES: Valdez
ABSTAIN: None
ABSENT: Fe’esago
