WEDNESDAY, May 27, 2020
PLEASE NOTE: This is an adjourned regular meeting
(adjourned from the May 26, 2020 regular meeting)
701 East Carson Street, Carson, CA 90745
6:30 p.m., Via Zoom

MINUTES

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
Staff:			
	Planning Manager Betancourt	Assistant City Attorney Jones	

"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 6:37 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 Lee, Assistant Planner Bhatia, Recording Secretary Bothe

3. *ORAL COMMUNICATION FOR MATTERS NOT ON THE AGENDA*

The public may at this time address the members of the Planning Commission on any matters within the jurisdiction of the Planning Commission. No action may be taken on non-agendized items except as authorized by law. Speakers are requested to limit their comments to no more than three minutes each, speaking once. None

***DUE TO CORONA VIRUS COVID-19, NO MEMBERS OF THE PUBLIC WILL BE ALLOWED INTO CITY HALL DURING THE PLANNING COMMISSION MEETING. THE MEETING WILL BE CONDUCTED VIA REMOTE TELECONFERENCING USING THE ELECTRONIC "ZOOM" APPLICATION.**

Any members of the public wishing to provide public comment for the items on the agenda may do so as follows:

1. Live via Zoom Application. Members of the public wishing to provide public comment in real-time will be invited to join the Zoom meeting remotely to provide their public comment live with their audio/video presented to the Planning Commission. Members of the public wishing to do so must email planning@carson.ca.us, providing their real name and the phone number they will use to call in from, no later than 3:00 p.m. on the date of the meeting. For further details/requirements and meeting invite information, please email planning@carson.ca.us no later than 3:00 p.m. on the date of the hearing.

2. Email: You can email comments to Planning@carson.ca.us no later than 3:00 p.m. before the meeting. Please identify the Agenda item you wish to address in your comments. Your comments will be read into the record.

3. Telephone: You can record your comments at (310) 952-1761 no later than 3:00 p.m. before the meeting. Please identify the Agenda item you wish to address in your comments. Your comments will be read into the record.

4. Box outside of City Hall: You can provide hand-written comments by dropping off a note at the box located in front of City Hall (701 East Carson Street) no later than 3:00 p.m., on the date of the meeting. Please identify the Agenda item you wish to address in your comments. Your comments will be read into the record.

NOTE: Members of the public wishing to observe the meeting live without providing public comment will be able to do so by watching it on the City's PEG television channel (Channel 35 on Charter or Channel 99 on AT&T for Carson residents) or via live streaming on the City's website, http://ci.carson.ca.us/).

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4. 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 6:42 p.m. and reconvened at 7:39 p.m.

Assistant City Attorney Lee stated no reportable action was taken.

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5. 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 a 53,550-square-foot structure with 39,500 square feet of warehouse space, 14,050 square feet of office space, 6 loading docks, an open-air loading dock with 9 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."

Chair Pimentel opened the public hearing.

Josh Canales, Sr. Pastor Mission Ebenezer, stated that this site has been abandoned for over 60 years; and expressed his belief Mr. Kim is very interested and committed to this proposed project.

Felipe Segovia, representing KL Fenix, stated that this landfill has been abandoned since 1959; and that it has become an eyesore, with illegal dumping and homeless trespassers. He pointed out that this is not a truck yard and that a truck operation is not its main use. He stated there will be one truck trip in and one truck trip out every 5 minutes, using Figueroa Street. He stated this operation contributes to the Long Beach Port system; and added that they will be working with Caltrans. He commented on the 2-story office building and the landscaping that will help beautify the area; stated there is limited impact to the nearby mobile home park because the trucks will not be traveling on the City's streets other than to get to the freeway; and he mentioned that if the Rand conceptual project were to go forward, he would need to clean up the site, including the methane emissions with the adjoining properties, and stated that this project is going to help the Rand project.

Jeffrey Farano, attorney representing KL Fenix, stated that he was retained by KL Fenix within the past couple of weeks and that he just submitted an 8-page comment letter this afternoon. He expressed his belief the conditions of approval in the Entitlement Agreement are extremely onerous and at times heavy-handed and appear to be designed to prohibit the project and not necessarily make it more compatible with the surrounding uses nor mitigate its impacts. He added that he does not believe the conditions represent City Council's approval in 2018 nor is consistent with the City's municipal code; and he highlighted the recent approval of a cargo container storage project located at 2315 Dominguez Street which received an exception from

the moratorium in 2018 and subsequently approved in 2019 after the moratorium expired, pointing out that project didn't have many of these conditions placed upon it. He explained that the conditions placed on this project appear to be trying to continue the logistics moratorium that expired in 2019 which was not subsequently renewed or permanently implemented.

Mr. Farano stated they are seeking conditions which are fair and reasonable, that help to implement this project, make it compatible with the neighborhood but at the same time allows KL Fenix to operate as economically as is feasible, reiterating that some of the proposed conditions do not allow that. He noted that, in particular, staff is proposing to reduce the number of parking spaces from 475 down to 298 spaces; and staff is justifying that reduction based on incompatibility with the surrounding land uses. He stated those particular uses would be to the south, and more particularly, a hypothetically proposed residential project on the Rand property that requires a rezoning, which has yet to have a completed application or DTSC approval for the cleanup or to remove the restricted covenant that prohibits residential uses on that property because of the former landfill.

Mr. Farano added that staff report barely identifies the surrounding area to the south as commercial or two-thirds of that property being zoned light-industrial and is partially occupied by a manufacturing facility that also has an outdoor tire storage area; and that the rest of the property immediately adjacent to the project is a parking lot, with the nearest allegedly incompatible building being over 100 feet away and separated by the existing parking and storage areas. He expressed his belief the added conditions are unfair and further restricts the project from being economical due to the increased costs associated with the DTSC mitigation that is required.

Mr. Farano stated what they are currently proposing is that if the Rand residential project to the south receives building permits that are approved prior to the certificate of occupancy for this project, then at that time they would reduce the number of parking spaces from 475 to 300, at that point when there actually is a realistic project and not a hypothetical use that is adjacent; and stated they do recognize at that point, there might be some need to adjust the use and have an expanded buffer on the southern end.

Mr. Farano stated the temporary nature of the use as originally proposed was a result of the moratorium that was in effect at the time and is no longer in effect; and that it also was based on a less extensive and less expensive cleanup process for the landfill. He stated the current process as proposed has 3 different possible scenarios, one of which could continue the use as a temporary use indefinitely into the future, believing this is unfair because it provides no permanent or definitive path to having a permanent use and could theoretically get kicked down the road for a number of years which can cause a number of problems, such as financing or general business planning, and also repaying the extraordinary costs that are required to clean up the site.

Mr. Farano stated they are proposing an initial term of 7 years from the certificate of occupancy date and at the end of that term, if any two of the surrounding parcels were to be developed with non-heavy industrial uses, then the use would terminate, otherwise, it would become permanent; that it would become permanent if only one would be developed or none of them would be developed or if they are developed with a heavy-industrial use. He added that, however, even if two of the surrounding parcels are developed with non-heavy-industrial uses, they would propose that the warehouse use should be permanent because its use is currently an automatically permitted use.

Mr. Farano expressed his belief the fines listed in the Entitlement Agreement (EA) are extremely onerous and not consistent with the municipal code or any similar facility that has been recently approved; he stated that in 2018, City Council approved fines up to $1,000, which is also allowed in the City's municipal code; advised that staff is proposing fines of $5,000 for a myriad of reasons, such as not keeping the site clean; that the conditions also require a deposit of $100,000 which the City can draw from that fund to pay such fines/violations and provides no method for cure or reasonable means for appeal of those violations; and noted his concern with the City being the sole judge and jury on those fines. He asked that any fines and the process by which they are implemented be consistent with the City's municipal code and with prior City Council approval, which is $1,000, and to add an opportunity for cure and a reasonable appeals process.

Sheri Repp, representing Richard Rand, stated this proposed truck yard is an incompatible use; pointed out that the Planning Commission, City staff, and City Council over many years have been very cautious about allowing any new heavy industrial areas to be formed within the City; and mentioned that most of the heavy industrial use is located on the eastern side of the City, noting you don't see new areas being formed especially along the west side of the City. She questioned whether staff is aware of any new heavy industrial designations being designated that would be next to commercial and/or in close proximity to sensitive land uses, such as the church, various children's activities, a museum, and residential; and pointed out that the resolution indicates this proposed use is not compatible with the characteristics of the surrounding area. She highlighted the applicant's comment that they believe the conditions are too onerous, that they are not in agreement with staff, that they are pushing back and stating they should have more flexibility; and she expressed her belief that the applicant's stance/position on the recommendations is ill-advised because she believes they're on shaky ground as it is and then to ask for even more leniency is inappropriate.

Ms. Repp confirmed that Mr. Rand has submitted an application to the City proposing a mixed use development which is focused on residential with up to 356 housing units, an application that is pending; that they have submitted all responses to staff's comments; that an environmental consultant has been retained to perform the MND; and added that Mr. Rand has spent $225,000 so far to investigate and pursue the reports and the applications that are necessary to build a residential project, so the applicant's comment that it's not a real application has no merit. She confirmed that Mr. Rand is sincerely interested in building this residential project; and that Mr. Rand sees the vision for the city of Carson, sees opportunities for areas around his property to further develop the site, such as the 157-acre site, the Porsche project, the MBK 300 apartment units which are currently under construction, all which lend themselves to improving the area, not staying stagnant and not going to heavy industrial uses.

Ms. Repp advised that this morning, Mr. Rand was speaking with DTSC over the phone; that they have confirmed the residential project could, in fact, go forward subject to the appropriate standards being met with DTSC and the covenant restriction being able to be removed from the property, which is not unusual and is their typical process; and stated there is nothing to suggest the residential development cannot go forward on Mr. Rand's property. She added that DTSC did indicate because the landfill that's on the KL Fenix site spills over onto the Mission Ebenezer property as well as the Rand property, there will have to be coordination among the property owners, noting her hope that everyone will be able to collaboratively work towards the best interests of the City, have these landfills remediated and bring positive land uses and businesses to this area.

Ms. Repp stated that the truck yard use is not appropriate and she does not see why the city of Carson would settle for something that has already been determined not to be compatible; that while she appreciates this property has been vacant for many years, she can also appreciate that over the last several years, just before and during the time KL Fenix purchased the property out of bankruptcy, there were a number of developers who were interested in this site who proposed uses that were not truck yards; and expressed her belief KL Fenix will have other opportunities to do something that will be better for this property and this area, an area that has been steadily improving, not degrading. She expressed her belief that for Carson to throw away an opportunity to improve the area by having a truck yard use is not sound planning or good stewardship. She added that she has not seen the Planning Commission approve something like this in the past and hopes that this evening the Planning Commission will be much more protective.

Ms. Repp stated that if the Planning Commission is interested in going forward with this project, she would strongly advise that staff revise the project; and pointed out that with all the changes proposed by the applicant's representative this evening, she is unclear on what is being proposed before the Planning Commission at this point, noting it sounds like they want more truck parking and more container storage than what staff is recommending; and stated that staff should be given an opportunity to revise their report/recommendation.

Ms. Repp expressed her belief that there has not been enough community outreach; mentioned that when City Council went through the moratorium process and allowed KL Fenix to submit an application, it was with the expectation there would be a community meeting; and while we are in a COVID crisis that can't be controlled, it still should not mean there doesn't need to be adequate community outreach. She questioned why this applicant is pushing so hard to rush through this project; and reiterated it should be done correctly and with the residents' participation in order to reach a decision that is best for both the short and long term. She added that this project is stated to be short term, but in reality, if they go forward, she believes there is such a disincentive for anybody else to want to develop with anything other than heavy industrial uses; and added the City may be setting a precedent in terms of its future for the west side. She urged the Commission not to approve this project.

Amy Freilich, attorney representing Carson El Camino, LLC, noted her opposition to the request for a general plan amendment for heavy industrial on this site and the applicant's other requests before the Commission this evening, mentioning she provided a comment letter. She explained that Carson El Camino is the owner of Site 5 where the 365-unit housing development has been proposed; and that they are also the owner of a portion of Site 4 where there are 5 churches, a number of school and after-school activities, adult daycare, dance school, and other commercial and industrial uses. She explained that from her client's perspective, they are developers who typically don't oppose other development projects, and they believe they have no other choice in this case but to oppose this proposed truck and container use because this heavy industrial use is completely out of character and inconsistent with what is happening with the growth and development of the surrounding properties, including the 300 residential units currently under construction immediately across from this proposed project.

Ms. Freilich expressed her belief this project will create a nuisance by bringing in truck traffic, stating that 480 truck trips per day is a significant number of trucks; noted the applicant does not specifically indicate how many trucks will actually be on the City's streets, saying "not that many and that most will use the freeway"; mentioned there is no analysis in the documents

which looks at impacts to right-of-ways in the City and no analysis provided to make sure the Caltrans requested solution to the freeway ramps can actually be developed; and stated there are a number of truck and traffic impacts which haven't been evaluated.

Ms. Freilich stated there are a number of noise impacts from this project; noted this project is proposed to operate Monday through Saturday until 2:00 a.m.; she pointed out that an outdoor cargo container operation is a very noisy operation with the backing up of trucks, people shouting, containers being hooked/unhooked to/from trailers, a very noisy environment; and noted her concern all this is being placed right next to current housing and approved future housing in the immediate area.

Ms. Freilich stated they are also concerned with air pollution; and noted there's not been a real discussion with the idling of trucks and any health risk assessment in the MND that fully meets the requirements. She expressed her concern it appears the project description changes and is never particularly clear, even though there is a specific plan that has been proposed by the applicant which allows all sorts of uses, such as petroleum storage onsite as a right, natural gas storage onsite as a right, all sorts of things embedded in the specific plan that are never fully evaluated. She added that while staff is not even recommending those be as-right uses, it is clear the applicant is challenging many of staff's recommendations; and that staff has not weighed in on those proposals and none of those have been evaluated in the MND.

Ms. Freilich pointed out that the City's general plan is very clear about heavy industrial uses, specifically saying these proposed uses are to be placed in areas that are not adjoining sensitive uses; and she quoted staff report, "these are uses that may have nuisance or hazardous characteristics which for reasons of health, safety, environmental effects, or general welfare are best segregated from other uses."

Ms. Freilich stated if this project goes forward particularly with the proposal on temporary use that was brought forward by the applicant this evening, they do not believe it's going to be feasible for anybody to continue the type of development being seen in this vicinity with a heavy industrial use in the center; stated that financial and banking interests don't need to lend on a residential project next to a heavy industrial site because there are many other opportunities those institutions can pursue; and that it is clear this project will significantly discourage the lending community. She pointed out that the concept they wait 7 years to see if this becomes a heavy industrial corridor or becomes a residential corridor is a false choice for the future; stated they would like to see this property as residential and mixed use; that they are not opposed to light industrial and other uses compatible with this area; and that they would welcome a different proposal from this developer that is more in keeping with the surrounding uses. She urged the Commission to deny the applicant's request.

Assistant Planner Bhatia read the late submittal comment letters into the record.

Chair Pimentel closed the public hearing.

Commissioner Mitoma stated that Carson has the worst air pollution in this area; that it has 41 million square feet of industrial uses, 4 refineries, in-and-out trucking activity from the nearby ports, and water pollution; and stated that 400 extra trucks coming in and out of Carson is unacceptable. He stated that staff needs to work with the applicant on revising their plans for this property.

Vice-Chair Madrigal asked if a pre-COVID traffic study has been done on this project for this area.

Assistant Planner Bhatia stated that a traffic study was done for the project as part of the CEQA Initial Study.

Dennis Pascua, traffic consultant from Dudek, explained that under the CEQA analysis, they have prepared a vehicle miles traveled analysis which is consistent with the current CEQA guidelines; that they also prepared a separate standard traffic analysis which did look at levels of service of the proposed project; and stated that study was done in coordination with City staff on the intersections to be analyzed. He added they also received comments from Caltrans, noting some of those comments were incorporated into the traffic study which addressed queuing impacts along the ramps for the project site; that they looked at a revised access, recommending to have a single point of entry at the Figueroa Street 110 Freeway ramps; and it also covered cumulative impacts in terms of all the approved and pending projects in the study area, including the projects just south of the site.

Vice-Chair Madrigal asked for further clarification on what route these trucks will take if they need to go south on the 110 Freeway.

Mr. Pascua explained that if traveling southbound on I-110, the truck would exit on the opposite side of the freeway, off Hamilton Avenue, then either turn right/north to Del Amo Boulevard and then south on Figueroa Street or the truck would turn left/south off Hamilton Avenue, make a left turn onto Torrance Boulevard, and then another left turn on Figueroa Street. He mentioned there is a current Caltrans improvement taking place to signalize the ramps at Hamilton Avenue and I-110. He stated this operation will generate truck traffic in this area; advised that the level of service analysis found there are 3 intersections that would be inconsistent with the City's and Caltrans' level of service policies – 1) Figueroa Street/I-110 at the ramps; 2) Hamilton Avenue and Del Amo Boulevard; and 3) Hamilton Avenue and the I-110 ramps.

Commissioner Fe'esago asked if an EIR was done; and noted his concern with the current poor conditions of the City's roadways at Del Amo and Torrance Boulevards and the proposed increase in truck traffic, asking if that has been addressed.

Assistant Planner Bhatia explained for Commissioner Fe'esago that an EIR was not required for this project, and that there were mitigation measures incorporated in the MND and conditions of approval; and added that the Entitlement Agreement also includes measures to mitigate the impacts and improve those two roadways, along with Main Street.

Commissioner Fe'esago asked what revenue the City will get from this project and what employment numbers the applicant is seeking for this site.

Planning Manager Betancourt indicated the only revenue he is aware of is a business license fee.

Mr. Segovia stated that if everything goes as planned, they intend to bring in 150-200 jobs into the City, noting these are higher paying truck driving jobs; that they will pay for their business license; and that through the Development Impact Fees, they will be contributing to the maintenance of the City's streets. He explained that the truck traffic they will be generating will mostly be concentrated traffic from their site directly onto the I-110 freeway; that yes, there will

be southbound truck traffic; mentioned that one of the conditions of approval is they will have to repave both northbound and southbound streets nearby; and that they have to modernize the traffic signal and make improvements to that intersection. He stated that none of their trucks can originate from this site and use Main Street or Torrance Boulevard. He clarified that they are not proposing a truck yard, that this is not a truck operation; and that their project is a cargo container storage facility and that the trucking operation is an accessory to that use and not the main function of the operation. He stated they are proposing 75 truck spaces, which is a significant investment; explained that the trucks typically leave in the morning prior to peak a.m. traffic hours, and most will return early evening after peak p.m. traffic hours; and that the allowance for the 2:00 a.m. hour is for those few stragglers who arrive late in the evening, early morning. He noted for Commissioner Fe'esago that the cargo containers cannot be taken off the trailer nor stacked on top of each other; and explained that their business model is to move their inventory out in a short period of time, typically a day or two at the most and then off to its destination.

Chair Pimentel expressed her desire to see this item continued because there appears to be too much unfinished business between the applicant and staff, suggesting it be continued to the second meeting in July. She expressed her desire for a better solution than what has been proposed.

Planning Commission Decision:

Chair Pimentel moved, seconded by Commissioner Mitoma, to continue this matter to the second Planning Commission meeting in July 2020.

Vice-Chair Madrigal offered a friendly amendment that there be further community outreach and, if possible, hold a community meeting.

Planning Manager Betancourt explained that conventionally done in the past, there has been a community meeting, but because of COVID 19, those efforts have been hampered; and he explained that depending on how long the City is on COVID-19 lockdown, staff will do all they can for greater community outreach, including the possibility of a Zoom community meeting if need be.

Planning Manager Betancourt recapped the motion to continue this matter to the second meeting in July due to a number of differences from what the applicant has proposed and what the Planning Department has recommended with the conditions of approval for operations, improvements, and conditions for policy documents being improved; and that this meeting is being continued because of the deficiencies and the differences between what the applicant has proposed and what staff has recommended for approval.

Mr. Segovia stated that the applicants are not rushing through this project; that they applied for this project 5 years ago; and noted that through the course of this application process, multiple things have happened, such as lost applications and misplaced packages. He stated they would like to see the Commission vote on their project this evening.

Vice-Chair Madrigal called for the motion.

The makers of the motion accepted the friendly amendment, and the motion for continuance carried, 7-2, as follows:

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

6. MANAGER'S REPORT None

7. COMMISSIONERS' ORAL COMMUNICATIONS

The Commissioners urged everyone to be safe and well.

Commissioner Mitoma noted his disappointment that the Boy Scouts were not being allowed to place flags at the soldiers' graves to honor the fallen this Memorial Day due to COVID-19, believing this activity helps the youth understand the ultimate sacrifice paid for this country.

Vice-Chair Madrigal urged people to wear masks and to be safe.

8. ADJOURNMENT

At 9:44 p.m., the meeting was adjourned to Tuesday, June 9, 2020, 6:30 p.m.

_____
Chair

Attest By:

_____
Secretary