



## Legislation Details (With Text)

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**File created:** 8/3/2020      **In control:** City Council  
**On agenda:** 8/18/2020      **Final action:**  
**Title:** A PUBLIC HEARING TO CONSIDER: (1) INTRODUCTION OF ORDINANCE NO. 20-2014 OF THE CITY COUNCIL OF THE CITY OF CARSON TO APPROVE ENTITLEMENT AGREEMENT NO. 24-18; AND (2) ADOPT RESOLUTION NO. 20- 134 OF THE CITY COUNCIL OF THE CITY OF CARSON AFFIRMING PLANNING COMMISSION'S APPROVAL OF CONDITIONAL USE PERMIT NO. 1074-18, AND APPROVING GENERAL PLAN AMENDMENT NO. 108-18, KL FENIX CONTAINER PARKING SPECIFIC PLAN NO. 18-18, MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM FOR THE CONSTRUCTION OF A 53,550 SQUARE FOOT WAREHOUSE AND OFFICE BUILDING, AND A TEMPORARY CONTAINER PARKING FACILITY WITH 75 TRUCK AND 400 CONTAINER PARKING SPACES ON A 14.33 ACRE SITE LOCATED AT 20601 MAIN STREET (CITY COUNCIL)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Exhibit 1- KL Fenix Ordinance, 2. Exhibit 2- KL Fenix CC Resolution, 3. Exhibit 3 - Revised Container Parking Specific Plan, 4. Exhibit 4- Entitlement Agreement, 5. Exhibit 5- Development Plans, 6. Exhibit 6 - Surrounding parcels, 7. Exhibit 7- July 29, 2020 PC Staff Report, 8. Exhibit 8 - KL Fenix PC Approved Resolution-FINAL, 9. Exhibit 9 - PC July 29 Disposition, 10. Exhibit 10 - May 27, 2020 PC\_SR\_DOR\_20601 S Main Street (KL Fenix Project)\_FINAL, 11. Exhibit 11 - May 27, 2020 PC Minutes, 12. Exhibit 12- Public Review Draft & Final MND, 13. Exhibit 13- Amendment to the General Plan Map, 14. Exhibit 14- AGD Letter and DUDEK Response, 15. Exhibit 15- 48 signature received in favor of the project, 16. Exhibit 16- 9 letters and signatures opposing the project, 17. Exhibit 17- COA requiring revised materials

Date	Ver.	Action By	Action	Result
8/18/2020	1	City Council		
8/18/2020	1	City Council		

## Report to Mayor and City Council

Tuesday, August 18, 2020

Special Orders of the Day

### SUBJECT:

**A PUBLIC HEARING TO CONSIDER: (1) INTRODUCTION OF ORDINANCE NO. 20-2014 OF THE CITY COUNCIL OF THE CITY OF CARSON TO APPROVE ENTITLEMENT AGREEMENT NO. 24-18; AND (2) ADOPT RESOLUTION NO. 20- 134 OF THE CITY COUNCIL OF THE CITY OF CARSON AFFIRMING PLANNING COMMISSION'S APPROVAL OF CONDITIONAL USE PERMIT NO. 1074-18, AND APPROVING GENERAL PLAN AMENDMENT NO. 108-18, KL FENIX CONTAINER**

**PARKING SPECIFIC PLAN NO. 18-18, MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM FOR THE CONSTRUCTION OF A 53,550 SQUARE FOOT WAREHOUSE AND OFFICE BUILDING, AND A TEMPORARY CONTAINER PARKING FACILITY WITH 75 TRUCK AND 400 CONTAINER PARKING SPACES ON A 14.33 ACRE SITE LOCATED AT 20601 MAIN STREET (CITY COUNCIL)**

**I. SUMMARY**

On May 27, 2020, the Planning Commission conducted a public hearing to consider the request of applicant KL Fenix Corporation, for a General Plan Amendment (GPA) to change the designation of its parcel from Mixed-Use Business Park (MU-BP) to Heavy Industrial (HI), a Zone Change via the Specific Plan (SP), an Entitlement Agreement (EA) to regulate the temporary use and ensure compatibility to surrounding area, a Conditional Use Permit (CUP) and a Site Plan and Design Review per CMC 9172.23 for development of a 53,550 square-foot warehouse and office incorporated with an artistic feature and a temporary truck/cargo container parking facility on portions of the property. This is a former Organic Refuse Landfill site (Gardena Valley Landfill No. 1 and 2) that has sat vacant and has been in a blighted condition since the closure of the landfill in 1959. As part of the redevelopment of the property, it will be remediated with DTSC being the oversight agency. The Heavy Industrial land use designation is necessary to allow the temporary container parking facility use component of the development.

After considering the item in May, the Planning Commission continued this item to the July 28, 2020 meeting, which was continued to July 29, 2020, to allow the applicant and staff to resolve certain disagreements between staff and the applicant with respect to the applicant's proposal. The Planning Commission also directed the applicant to host a Community Meeting or other type of feasible community outreach during the COVID-19 health crisis.

On July 29, 2020, the Planning Commission considered the item in a public hearing and voted 7-1 to approve Site Plan and Design Review No. 1745-18 and Conditional Use Permit No. 1074-18 and recommended approval of General Plan Amendment No. 108-18, Specific Plan No. 18-18, Entitlement Agreement No. 21-18 and Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program (MMRP) to the City Council for construction of a 53,550 square-foot warehouse and office building with 115 vehicular parking spaces, with a temporary container parking facility having 75 truck and 400 container parking spaces for a period of ten (10) years.

**Planning Commission's Action**

The Commission's approval included a finding that the provisions included in the EA and the Conditions of Approval will ensure the proposed project will not be incompatible with the immediately surrounding areas both now and in the future. The following provides a summary of the Planning Commission's approval:

- Temporary term for the truck/cargo container parking facility is 10 years.
- If any time within this 10-year term, a residential or commercial development is built on the surrounding parcels (parcels 3, 4 or 5 in Exhibit 6), the truck/cargo container parking use and operations shall permanently cease within 60 days of notice from the City or any 3<sup>rd</sup> party after the issuance of the building permits for any

of the surrounding parcel(s).

- If the operations do not cease after the 60<sup>th</sup> day, a fine of \$500 per day shall be levied until the truck/cargo container parking use ceases and the property is brought into conformance with the applicable conditions of approval. These fines shall be deducted from the \$100,000 developer deposit discussed in the fines section below.
- No trucks shall be permitted to traverse on Torrance Boulevard or Main Street, as those rights of way shall be used for passenger vehicle access only. A fine of \$1,000 per occurrence shall be assessed against developer as a penalty to be deducted from the \$100,000 developer deposit discussed in the fines section below.
- If no residential or commercial development occurs in the surrounding parcels within the 10-year period, the truck/cargo container parking use shall be vested into perpetuity.
- If the truck/cargo container parking uses and operations are required to cease permanently, all temporary 75 truck and 400 cargo container parking spaces shall be fenced off, the site landscaped in a way to effectively stop possible use of the site for a truck/cargo container parking use, and maintained in a clean condition.
- Warehouse use shall not cease under any circumstances and is permanently vested upon approval.
- The entire project including the warehouse and the 75 truck and 400 cargo container parking spaces are required to be built at the same time to ensure that the applicant does not merely develop the truck/cargo container parking spaces.

## **II. RECOMMENDATION**

TAKE the following actions:

1. **OPEN** the public hearing, **TAKE** public testimony, and **CLOSE** the public hearing.
2. **INTRODUCE**, for first reading Ordinance No. 20-2014, entitled, "AN UNCODIFIED ORDINANCE OF THE CITY OF CARSON, CALIFORNIA, APPROVING ENTITLEMENT AGREEMENT NO. 24-18 BETWEEN THE CITY OF CARSON AND KL FENIX CORPORATION FOR A PROPOSED WAREHOUSE AND TEMPORARY CARGO CONTAINER PARKING FACILITY AT 20601 SOUTH MAIN STREET" (Exhibit 1).
3. **ADOPT** Resolution No. 20-134 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARSON AFFIRMING PLANNING COMMISSION'S DECISION TO APPROVE CONDITIONAL USE PERMIT NO. 1074-18, AND APPROVING SPECIFIC PLAN NO. 18-18, GENERAL PLAN AMENDMENT NO. 108-18, AND MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM FOR A PROPOSED WAREHOUSE AND TEMPORARY CARGO CONTAINER PARKING FACILITY AT 20601 S MAIN STREET" (Exhibit 2).

### III. ALTERNATIVES

In approving the project, the Planning Commission required the applicant to submit a revised Site Plan, revised Elevations, and revised Specific Plan prior to City Council's consideration. The Conditions of Approval specifying the revisions to these documents are provided in Exhibit 17.

At the time of writing this staff report, the revised materials had not been submitted by the developer. If the applicant does not submit the revised materials prior to the Council hearing, the Council may consider the following options:

- **CONTINUE** the item to allow the Developer to submit revised materials for staff and Council's consideration;
- **APPROVE** the project, and add a condition requiring the Developer to submit the revised materials within 30 days of the City Council action, without which the approvals become null & void; **OR**
- **TAKE** such other action as the City Council deems appropriate, consistent with the requirements of the law.

### IV. BACKGROUND

#### Site History

The subject property was occupied by the Gardena Valley Landfill No. 1 & 2 from 1956 until 1959 and accepted approximately 75% residential municipal waste and 25% construction or industrial wastes. Industrial waste included crude oil derivatives (crude oil and tank bottoms), paint sludge, auto wash sludge, latex, molasses, cutting oil, and other semi-liquids. The average depth of the waste materials is approximately 25 feet. The former landfill was capped with approximately 5 feet of soil at the termination of landfill operations in 1959. The site has remained vacant ever since.

#### Project History

On March 20, 2018, the City Council adopted Interim Urgency Ordinance No. 18-1805U, extending a moratorium for 12 months on the establishment, expansion, or modification of truck yards, logistics facilities, hazardous materials or waste facilities, container storage, and container parking (Moratorium). Section 6 of this Ordinance allowed the City Council to grant exceptions. On June 6, 2018 and July 24, 2018, the applicant filed a request for an exception to the moratorium and the City Council granted the exception at its regularly scheduled meeting of August 21, 2018. The exception enabled the applicant to file for the required entitlement applications. The exception was granted by the City Council with the following conditions:

- *Site Planning* - Building area limited to 53,550 square feet; no truck traffic on Torrance Boulevard or Main Street; no truck access to the subject property from Main Street; minimum 25' foot landscaped setback on Main Street and 20' foot setback on Figueroa Street; the Main Street setback to include two artistic sculptures or equivalent (reduced

to one during council hearing); minimum of 5' foot landscaped interior setback, 50' foot building setback from the street and 140' foot setback for truck loading areas from the southerly property line; architecture to include large areas of glass along the streets and areas visible from streets to offer an office building appearance; maximum of 6 truck loading doors for the warehouse building and 9 docks for the open air loading dock; minimum 8' foot high solid wall at the perimeter of the subject property; the location and design of driveways may change as determined by staff;

- *Use* - The use will be temporary in nature initially to be permitted for seven years from the date of issuance of the Certificate of Occupancy or final permit and with the possibility of three year automatic extensions; at the end of this period if the project is found to be consistent with Carson 2040 General Plan, Zoning Ordinance, and surrounding uses, an extension can be provided, alternatively, the applicant would be required to make the project including all structures, architecture, setbacks, landscaped area, FAR, uses, etc. consistent with the City's 2040 General Plan, Zoning designations, and surrounding areas at the time of the expiration of permits.
- *Operations* - Restrictions on operating hours for both Office Uses and Truck Operations; City to have access to all video surveillance cameras at all times to ensure trucks do not travel on Torrance Boulevard and Main Street; possibility to include language in the Development Agreement to levy fines of up to \$1,000 per occurrence if trucks originating or going to the site use Torrance Boulevard or Main Street; applicant to form, fund and participate in a Community Facilities District (CFD) and pay the Development Impact Fee (DIF) per established rates; the applicant is to deposit \$100,000 with the City which will be used to ensure compliance with the provisions of the Development Agreement as it relates to compliance during the operations as permitted under the Development Agreement; applicant's failure to accomplish any of the imposed deadlines will result in fines of \$500 per day and this would be deducted from the applicant's deposited funds of \$100,000.

The moratorium expired on March 20, 2019 and is no longer in effect.

### Project Description

#### *Use*

The applicant is proposing a 53,550 sq. ft. warehouse and office incorporated with an artistic feature and temporary "cargo container parking" facility on the project site. On-site operational activities would include the handling of either imported goods that have just arrived from the Ports of Los Angeles and Long Beach or exported goods that are in transit to the Ports.

Hours of operation for the proposed office building are not restricted. Hours of operation for the proposed truck/cargo container parking facility would be 6:00 a.m. to 2:00 a.m. Monday through Friday and 6:00 a.m. to 6:00 p.m. on Saturdays, and closed on Sundays.

#### *Structures and Vehicle Parking and Storage Spaces*

The proposal includes a 53,550-square-foot structure on the eastern portion of the 14.33 acre property with 39,500 square feet of warehouse space, 14,050 square feet of office

space and 6 loading docks within a two-story building. The site plan includes 115 passenger vehicle parking spaces, 400 cargo container parking spaces and 75 truck parking spaces for a total of 475 truck and cargo container parking spaces (Truck Spaces).

### *Access*

The project proposes one driveway along Main Street for cars and one along Figueroa Street for trucks as requested by Caltrans (the original proposal by the applicant included 2 driveways which Caltrans deemed unsafe). However, the new Figueroa Street driveway creates additional issues. The applicant will have to work closely with Caltrans and staff to redesign this driveway to align it with the freeway interchange traffic flow and to separate the flow of traffic by installing an on-site median. In addition, the proposed new driveway location would require the applicant to install a new left-turn pocket on Figueroa Street for access to the Site from southbound trucks.

### *Setbacks*

The proposed facility has a 25-foot setback along both Main Street and Figueroa Street and 5 foot of landscaped setbacks along Northern and Southern property lines. The building is set back 50 feet from the Southern property line and the loading docks are set back 150 feet from the same.

### *Fencing & Stormwater Management*

The Developer proposes an 8-foot high fence all around the property. Fencing materials will be a combination of pre-cast concrete panel walls and wrought-iron fencing. Main Street will have only wrought-iron fencing, the Northern and Southern property lines will have concrete panel walls while the Figueroa Street side will have a combination of the wrought-iron and concrete panels.

The proposed wall on the North side is offset 10 feet to the south of the property line and the applicant proposes to place the water filtration system in that area. This area is adjacent to the Torrance Lateral and under the purview of the LA County Flood Control District. Applicant has stated to staff that they have discussed the matter with the LA County Flood Control District, however they have not provided the documentation. Therefore, the project is conditioned to obtain clearance from the Flood Control District or amend the location of the water filtration system elsewhere on the Site and place the concrete block wall on the property line or as close to it as reasonably possible.

### *Signage*

Due to the unique nature of the project, the project will be required to submit for a Sign Program for all signs to be permitted on the property. No signs would be approved as part of this action including the "City of Carson" monument sign proposed along Figueroa Street.

### *Landscaping and Artistic Feature*

Since the site is a former landfill, landscaping will be provided in raised planter beds installed along the northern and southern perimeter wall. Developer will install new or will

replace existing trees along Main Street and Figueroa Street. Additional on-site landscaping is also required to adequately screen the truck/cargo container parking areas from I-110 off-ramp and North and Southbound Figueroa Street, which has been addressed through the conditions of approval. In addition, the applicant is required to provide one artistic feature along Main Street.

### Proposed Request

The applicant's proposal requires several separate approvals including a General Plan Amendment (GPA) to change the designation from Mixed-Use Business Park to Heavy Industrial, a Zone Change via the Specific Plan (SP), an Entitlement Agreement to regulate the temporary use and ensure compatibility with the surrounding area, a Conditional Use Permit for permitting the use and for development on an Organic Refuse Landfill (ORL) site, and a Site Plan and Design Review per CMC 9172.23. The details of each of these applications are provided below:

### General Plan Amendment (GPA)

The General Plan Land Use Designation for the subject property is MU-BP (Mixed-Use Business Park). There are two types of Business Park Designations in the General Plan: Business Park and Mixed Use Business Park. Carson General Plan section 4.3 defines these land use designations as follows:

Business Park: *"The Business Park designation is intended to provide an attractive, high quality industrial/business park primarily for offices, light manufacturing and assembly, and research and development. Warehousing of a small scale (for example, no more than one ground level loading door per x square feet of building) in conjunction with a permitted primary use will be allowed....Both scales of Business Park are intended to provide harmonious transition to residential development and neighborhoods by:*

- 1. conducting all business activities and essentially all storage inside buildings,*
- 2. consisting of low profile, high quality, and attractive buildings that are compatible with existing and anticipated development in the area,*
- 3. providing open space, quality landscaping, and berms that achieve a park-like setting, and*
- 4. including buffering of parking, loading doors, and other similar functions."*

Mixed Use Business Park: *"All areas southwest of I-405 and north of Torrance Boulevard and the Carson Marketplace Specific Plan site are designated MU-BP, with a combination of regional commercial and business park/ limited industrial uses. No residential uses would be allowed."*

In addition the General Plan contains the following language for the MU-BP: *"A new zoning overlay will be created for each of the Mixed Use areas. These zoning overlays could be patterned after the existing Carson Street Mixed Use Overlay Zone."*

The current proposal is not allowed within the Mixed-Use Business Park General Plan land

use designation. However, the proposed could be considered to be consistent with other similar uses such as truck yards and truck terminals allowed in the HI (Heavy Industrial) General Plan Land Use Designation. Carson General Plan Section 4.3 defines this land use designation as follows:

*“The Heavy Industrial designation is intended to provide for the full range of industrial uses that are acceptable within the community, but whose operations are more intensive and may have nuisance or hazardous characteristics, which for reasons of health, safety, environmental effects, or general welfare, are best segregated from other uses. Extractive, primary processing, construction yards, rail operations, truck yards and terminals, and food processing industries are typical of this designation.”*

Therefore, the proposed project requires a General Plan Amendment to change the land use designation of the site from MU-BP to HI.

#### Entitlement Agreement (EA) Provisions

In order to regulate the temporary use and place additional safeguards to ensure long term compatibility of the proposed use with the surrounding areas, an Entitlement Agreement (EA) is being proposed. The Commission’s approval included a finding that the provisions included in the EA and the Conditions of Approval will ensure the proposed project will not be incompatible with the immediately surrounding areas both now and in the future.

The Entitlement Agreement has been revised per Planning Commission Resolution No. 20-2696 to be consistent with the Planning Commission’s decision. The following provides a summary of the Planning Commission’s approval:

- Temporary term for the truck/cargo container parking facility is 10 years.
- If any time within this 10-year term, a residential or commercial development is built on the surrounding parcels (parcels 3, 4 or 5 in Exhibit 6), the truck/cargo container parking use and operations shall permanently cease within 60 days of notice from the City or any 3<sup>rd</sup> party after the issuance of the building permit for any of the surrounding parcel(s).
- If the operations do not cease after the 60<sup>th</sup> day, a fine of \$500 per day shall be levied until the truck/cargo container parking use ceases and the property is brought into conformance with the applicable conditions of approval. These fines shall be deducted from the \$100,000 developer deposit discussed in the fines section below.
- If no residential or commercial development occurs in the surrounding parcels within the 10-year period, the truck/cargo container parking use shall be vested into perpetuity.
- If the container parking uses is required to cease operations permanently, all of the 75 truck and 400 cargo container parking spaces shall be fenced off, the site landscaped in a way to effectively stop possible use of the site as a truck/cargo container parking facility, and maintained in a clean condition.
- Warehouse use shall not be required to cease under any circumstances and is



permanently vested upon approval.

- The entire project including the warehouse and the temporary 75 truck and 400 cargo container parking facility are required to be built at the same time to ensure that the applicant does not merely develop the truck/cargo container parking spaces.

- Fines:

Prior to issuance of building permits, the developer is required to deposit with the City \$100,000. This deposit will be used by the City, if necessary, to ensure compliance with the provisions of the EA. A fine of either \$1,000 per incidence or \$500 per day until compliance has been reached will be levied for violation of the following terms and conditions of the EA:

- Use of the Property must be in strict compliance with the Permissible Usage: \$1,000.
- All truck ingress and egress to and from the Property shall be via Figueroa Street: \$1,000.
- No trucks shall be permitted to traverse on Torrance Boulevard or Main Street: \$1,000.
- Developer is required to install Video Surveillance Cameras (“**VSCs**”) that record 24-7: \$1,000.
- Developer’s trucks do not travel into or from the Property using Torrance Boulevard and Main Street: \$1,000.
- Developer must cease operations permanently if a residential or commercial project is developed on any of the adjacent surrounding parcels: \$500 per day as a penalty until compliance has been reached.
- Except for third-party delivery or service vehicles, trucks without the KL Fenix logos (or another appropriate logo in the event Developer should sell or lease the property and there is a replacement operator) shall not be authorized to use the site: \$1,000.
- Developer must comply with the prescribed hours of operation: \$1,000.
- All VSCs shall be installed and operational at all times: \$1,000.
- The Property must at all times be maintained and generally kept in a clean condition: \$1,000.

### Specific Plan

Specific plans are planning tools included in state law that allow cities to adopt different development standards than those in specific zones included in the City’s zoning code. The

implementation of the proposed project requires different development standards and uses than those included in the Carson Municipal Code Chapter 1, Part 4, Heavy Industrial Zone; therefore, the applicant proposes the KL Fenix Cargo Container Parking Specific Plan (Exhibit 3). The Specific Plan provides for the development standards for this proposed facility.

It should be noted that the CMC includes a definition for a cargo container parking facility; however, it is not included as a permitted use or a use requiring a Conditional Use Permit. Since the zoning code is a permissive code meaning that if a use is not specifically mentioned as permitted or conditionally permitted then it is not permitted by the zoning code, a Specific Plan is the proper tool to allow the proposed truck/cargo container parking facility.

#### Conditional Use Permit, Organic Refuse Landfill Sites

In addition, as required by Carson Municipal Code Section 9141.12 (Uses Permitted on Organic Refuse Landfill Sites), the Conditional Use Permit No. 1074-18 is also being presented for Council's consideration. As part of the Conditional Use Permit associated with this use, the Developer is required to submit a report to the Building and Safety Division, prepared by a licensed civil engineer designated by Developer, which would include plans for a protective system or systems designated to eliminate or mitigate the potential hazards and environmental risks associated with the proposed use. Such a report shall be reviewed and approved by the Building Officer and then submitted to City Council for their final approval, which will be in the discretion of the Council.

#### Site Plan and Design Review

The project requires a Site Plan and Design Review per CMC 9172.23, which was considered and approved by Planning Commission on July 29, 2020. City Council is not required to take action on this application.

#### General Plan and Specific Plan Consistency

The proposed truck/cargo container parking use is not allowed within the Mixed-Use Business Park General Plan Land Use designation. Therefore, to implement the proposed project, a General Plan Amendment is required to change the General Plan Land Use Designation to Heavy Industrial. This change would make this parcel the only parcel in the vicinity of the site with a HI designation.

Since the current zoning of the site is not compatible with the HI land use designation, a zone change is required. Typically, the implementing zone for the HI designation is Manufacturing Heavy (MH) zone. However, since the MH zone allows a variety of uses not desired in this area, Staff requested the applicant to file for a specific plan which provides more control over the possible uses of the site.

#### Environmental Review

Pursuant to the California Environmental Quality Act (CEQA), a Draft Mitigated Negative

Declaration was prepared and made available for public review from April 14, 2020 through May 13, 2020. A Notice of Intent to Adopt a Draft Mitigated Negative Declaration was posted with the City Clerk, LA County Clerk, Carson Library, on-site, and sent to responsible agencies. An electronic copy of the document was also posted on the Planning Division website (<http://ci.carson.ca.us/CommunityDevelopment/KLFenix.aspx>). No comments were received recommending that an Environmental Impact Report (EIR) should be prepared.

During the Initial Study phase, the project's location on a previous landfill was also evaluated as potentially significant impact under Hazards and Hazardous Materials section. It was determined that several previous investigations, including remedial investigations and feasibility studies for the waste and groundwater, human health risk assessment, and a remedial action plan (RAP) for the former landfill waste were completed. The RAP for the waste proposed the construction of a cover and the addition of a landfill gas collection system and flare. The remedial design document to implement the RAP was prepared in 1999; however, to date, closure of the landfill in accordance with the 1999 Remedial Design and other remedial documents (e.g., the groundwater remedial investigation and feasibility study) has not occurred.

In 2019, the project applicant entered into a voluntary oversight agreement with the DTSC to review the existing environmental documents for the project site and to provide opinions on the site remediation needed in order to comply with the requirements of the land use restrictions and complete the project. The applicant recently submitted a design approval letter from DTSC that approves the Construction Quality Assurance Plan (CQAP). CQAP summarizes the activities associated with the installation of the pavement system and cover system at the project site. DTSC oversight will continue until the CQAP is successfully implemented.

Potentially significant impacts of Air Quality, Cultural Resources, Geology and Soils, Noise, Transportation and Tribal Cultural Resources were also identified during the Initial Study. Per the Negative Declaration, with the inclusion of the proposed mitigation measures, adverse impacts are mitigated to the maximum extent feasible and below a level of significance. The MND was circulated for

public review from April 14, 2020 to May 13, 2020. At the close of the review period, comments from Caltrans, LA County Fire Department and LA County Sanitation District have been received which are addressed in the Final MND, also available at the link above, and potential concerns have been addressed via Conditions of Approval for the project.

Additionally comments were received from Armbruster Goldsmith & Delvac LLP, legal counsel of Carson El Camino LLC on the inadequacies of the CEQA document, which have been addressed in a letter by City's Environmental Consultant (Exhibit 14). Based on the comments and their responses, Staff believes that revising or recirculating the MND is not warranted.

#### Public Notice & Community Outreach

Public notice was posted in the Daily Breeze newspaper on August 6, 2020. Notices were mailed to property owners and occupants within a 750' radius and posted to the project site by August 6, 2020. The agenda was posted at City Hall no less than 72 hours prior to the Planning

At the adjourned regular meeting of May 27, 2020, the Planning Commission directed the applicant to host a Community Meeting or other type of feasible community outreach during the COVID-19 health crisis. The applicant reached out to the residents to the East of Main Street across from their property and obtained 48 signatures in support of the project (Exhibit 15).

Staff received a total of 10 letters and 83 signatures from adjoining residents and adjacent property owners in opposition of the project, 8 letters and all the signatures were presented to the Planning Commission at the May 27, 2020 hearing and additional 2 letters were submitted and presented at the July 29, 2020 hearing (Exhibit 16).

## **V. FISCAL IMPACT**

### Interim Development Impact Fee (IDIF)

***On July 1, 2020, the citywide DIF fees were adjusted*** in accordance with Article XI of the Carson Municipal Code (Interim Development Impact Fee Program) which requires the applicant to pay an estimated one-time development impact fee of \$346,552 (currently \$729.52 per truck/container space based on 475 Truck Spaces) to fund the development's proportional share of city-wide capital infrastructure improvements. The fee paid will be proportional to the number of truck Spaces ultimately approved for the project and the fee in effect when building permits are issued, refer to COA #1.

### Funding Mechanism for Ongoing Services / Community Facilities District (CFD)

The applicant, property owner, and/or successor to whom these project entitlements are assigned ("Developer") is responsible to establish a funding mechanism to provide an ongoing source of funds for city services including the maintenance of parks, roadways, and sidewalks. A uniform-standardized rate for ongoing city services was adopted by the City pursuant to Resolution No. 19-009 and accompanying Fiscal Impact Analysis ("FIA") report. Under the adopted Resolution and FIA report, the subject property falls under "Other Industrial Zones" with a current rate of \$480.75 per acre per year. Based on a 14.33 -acre site, the current estimated annual amount is \$6,889.15 ***which reflects the adjusted rates as of July 1, 2020***. The actual amount of the CFD will be based on the fee in effect at the time the building permits are issued. Developer is required to mitigate its impacts on city services either through: 1) Annexing into a City established Community Facilities District (CFD) or 2) Establishing a funding mechanism to provide an ongoing source of funds for ongoing services, acceptable to the City, refer to COA#2.

Additionally, at the time of application for a business license, if there are two different users between the warehouse and temporary truck/cargo container parking facility, then an

additional DIF payment will be made for the warehouse in the amount of \$130,662.00, calculated at \$2.56 per square foot of building area (calculated at \$2.56 x 53,550 = \$137,008). Such DIF payment will be made at the time applications for the business licenses are submitted to City.

## **VI. EXHIBITS**

1. Draft Ordinance No. 20-2014 (pgs. 14-18)
2. Draft Resolution No. 20-134 (pgs. 19-40)
  - a. Legal Description
  - b. Conditions of Approval
3. KL Fenix Cargo Container Parking Specific Plan (pgs. 41-71)
4. Draft Entitlement Agreement (pgs. 72-116)
5. Development Plans - Site Plan, Floor Plans, Landscape Plans & Elevations (pgs. 117-123)
6. Surrounding Parcels (pg. 124)
7. Planning Commission Staff Report July 29, 2020 (pgs. 125-137)
8. Planning Commission Resolution No. 20-2696 (pgs. 138-146)
9. Planning Commission Meeting July 29, 2020 disposition (pgs. 147-150)
10. Planning Commission Staff Report May 28, 2020 (pgs. 151-170)
11. Planning Commission Meeting minutes May 28, 2020 (pgs. 171-180)
12. Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program (pgs. 181-315)
13. Amendment to the General Plan Map Designation (pg. 316)
14. Comment Letter received May 27, 2020 by Armbruster Goldsmith & Delvac LLP and DUDEK's response (pgs. 317-328)
15. Comment Letters received in favor of the project (pgs. 329-332)
16. Comment Letters received in opposition of the project (pgs. 333-417)
17. Conditions of Approval requiring submittal of revised materials (pgs. 418-419)

Prepared by: Saied Naaseh, Community Development Director and  
Manraj Bhatia, Assistant Planner