

**CITY OF CARSON  
REGULAR MEETING OF THE PLANNING COMMISSION**

**January 24, 2017 – 6:30 P.M.**

- Minutes: December 13, 2016

AYES: Diaz, Fe'esago, Mitoma, Pimentel, Post  
NOES: None  
ABSTAIN: Guidry, Thomas  
ABSENT: Andrews, Madrigal

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**8. PUBLIC HEARING**

**A) Design Overlay Review No. 1570-15**

Applicant's Request:

The applicant, McGee Sharon Architects, is requesting to remodel the existing Yellow Basket drive-through restaurant by updating the exterior, interior, landscape, and parking lot, located in the ML-D (Manufacturing Light – Design Overlay) zoning district. The subject property is located at 22300 S. Avalon Boulevard.

Staff Report and Recommendation:

Associate Planner Alexander presented staff report and the recommendation that the Planning Commission WAIVE further reading and APPROVE the proposed project subject to the Conditions of Approval attached as Exhibit "B" to the Resolution; and ADOPT Resolution No. 17-2596, approving Design Overlay Review No. 1570-15 to remodel the existing Yellow Basket drive-through restaurant by updating the exterior, portions of the interior, landscape, and parking lot for the property located at 22300 S. Avalon Boulevard.

Chairman Diaz opened the public hearing.

Melvin McGee, applicant's architectural consultant, noted this project includes accessibility improvements.

Mickey Erwin, business owner, stated that her family has owned this restaurant since 1976; and she noted her concurrence with the conditions of approval.

There being no further input, Chairman Diaz closed the public hearing.

Planning Commission Decision:

Commissioner Mitoma moved, seconded by Commissioner Post, to approve the applicant's request, thus adopting Resolution No. 17-2596. Motion carried, 7-0 (absent Andrews, Madrigal).

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**8. PUBLIC HEARING**

**B) Design Overlay Review No. 1542-14, General Plan Amendment No. 94-14, Zone Change Case No. 171-14, and Tentative Parcel Map No. 73915**

Applicant's Request:

The applicant, Panattoni Development Company, is requesting to construct two concrete tilt-up buildings totaling 120,486 square feet (Building 1: 43,592 square feet; Building 2: 76,894 square feet), amend General Plan Land Use Designation from Business Park to Light Industrial and Zone Change from MH-D to ML-D. The subject property is located at 2254 E. 223<sup>rd</sup> Street.

Staff Report and Recommendation:

Associate Planner Gonzalez presented staff report and the recommendation to ADOPT a Mitigated Negative Declaration; and WAIVE further reading and ADOPT Resolution No. 17-2597, approving Design Overlay Review No. 1542-14 for the new construction of two warehouse buildings totaling 120,486 square feet (Building 1: 43,592 sq. ft. and Building 2: 76,894 sq. ft.), including 6,860 square feet of office space, Tentative Parcel Map No. 73915, creating two separate parcels, and recommending approval to the City Council of General Plan Amendment No. 94-14, changing General Plan Land Use designation from Business Park to Light Industrial, and Zone Change Case No. 171-14, changing the zone from MH-D (Manufacturing, Heavy, Design Overlay) to ML-D (Manufacturing - Light, Design Overlay). The subject property is located at 2254 E. 223<sup>rd</sup> Street.

Commissioner Mitoma asked who owns the property on the west side; and questioned how the City ended up owning this piece of contaminated property and its liability.

Associate Planner Gonzalez stated it is an LLC that owns that property; and that he does not know how the City came into possession of this land. He advised that the Department of Toxic Substances Control (DTSC) worked with Stauffer Chemical Company to remediate contamination at this site; and pointed out that Stauffer Chemical Company must continue in perpetuity to submit for DTSC review quarterly groundwater monitoring reports and treatment system progress reports. He added that the contaminated soil was also remediated at this site.

Planning Manager Naaseh explained that the City wanted a buffer between the heavy industrial property (Tesoro Refinery) and the car dealerships on the other side of 223<sup>rd</sup> Street; that when the 2004 General Plan was adopted, this property was designated as Business Park; but added that they failed to adopt a zoning code amendment for this property that would implement that General Plan designation; and mentioned that the City will commence with its General Plan update in approximately three months and will follow up with a zoning code amendment. He advised that this City has four Business Park areas designated which have not yet been developed because they are very difficult, previously contaminated sites that have been remediated.

Commissioner Mitoma asked if trucking activity is allowed in Business Parks.

Planning Manager Naaseh explained that it is supposed to be a lighter version of industrial; and that staff believes this project design will be a nice buffer between these two areas from 223<sup>rd</sup> Street, with the view of a nice building and parking lot from 223<sup>rd</sup> Street. He added that equipment or product will not be allowed to be stored outside on this property to make sure the view from 223<sup>rd</sup> Street looks like an office building or business park. He explained for Commissioner Thomas that Business Park designation is only in a few spots south by Main Street; and reiterated that it was created to provide a buffer between residential and industrial areas. He pointed out that in this case, there are no residents adjacent to this property.

Planning Manager Naaseh stated that staff considered two things with the design of the building: what it looks like from the street and what kind of uses are going to go in this building. He pointed out that the parking lot is in the front, along 223<sup>rd</sup> Street; and that

the loading doors are on the side and can't be seen from 223<sup>rd</sup> Street. He advised that this project design has been going on for several years with various design changes; stated that the proposed size of the building has been decreased to discourage large warehouse usage that requires heavy trucking activity; and stated that staff believes these smaller buildings will be a nice use and buffer for this property. He added that trucks will still utilize this property, but not to the extent that is seen at large warehouses.

Planning Commissioner Guidry asked if the City is planning to abandon the Business Park concept altogether; and she noted her opposition to the use of chain-link fencing.

Planning Manager Naaseh explained that Business Park is now an outdated designation that cities no longer use; explained that this new designation would include office, retail and light industrial; and that with this property being light industrial with smaller buildings, it will house different types of users than what you typically see with heavy industrial buildings. With regard to chain-link fencing, he advised that the City's code does not restrict chain-link fencing for large industrial properties, but stated that they try and have it used in areas that are not visible from the public right-of-way. He noted that in this case, it would be at the back, between this property and the Tesoro Refinery property (Condition No. 26).

Commissioner Thomas stated that the chain-link fencing along the vacant lot can be seen from the street.

Planning Manager Naaseh indicated that staff anticipates that vacant lot to be developed in the future, but stated this long stretch of chain-link fencing can be conditioned by the Planning Commission.

Commissioner Mitoma stated that he is opposed to more warehouses in Carson, especially massive buildings; and he urged staff to look at limiting the size of warehouse buildings when updating the General Plan, limiting the size to no more than 50,000 square feet.

Planning Manager Naaseh mentioned that applicants are advised that this Commission is concerned with the large warehouses and the excessive trucking activities in this City and that the applicant has been working with staff to design their project specific to this site, taking the Commission's concerns into consideration. He added that City Council has also indicated there are enough large industrial buildings in Carson; that the decisions being made need to be sensitive to adjacent uses; and that those concerns will be addressed in the upcoming General Plan and Zoning Code updates.

Commissioner Post highlighted the proposed 56 truck trips a day.

Associate Planner Gonzalez explained that the consultant identified 56 truck trips a day based on engineering standards/criteria that's used in the industry.

Planning Manager Naaseh added that because it is not known what the use is going to be, engineers look at the size of the building to make that estimation.

Commissioner Post expressed her dissatisfaction with the truck congestion along this stretch of 223<sup>rd</sup> Street, noting it has been going on for years and that nothing seems to be done about it; and stated that warehouse taxes should be levied to pay for the damage these trucks are doing to the City's streets.

Planning Manager Naaseh stated that staff has the same concerns with how to fund the wear/tear of the City's streets due to the heavy trucking activities in this City and the need to look at alternative ways to finance the maintenance of the roads; expressed his belief that with this project, the City is headed in the right direction to limit the size of these buildings and better manage the trucking activities; but added that there is a balance between the needs of the community and those of the business community.

Commissioner Fe'esago asked if conditions are added that require developers in Carson to pay for street improvements.

Planning Manager Naaseh indicated yes, engineering conditions are imposed to improve street frontages; advised that staff is re-evaluating everything to develop a program that, over time, would take care of these necessary maintenance improvements and that staff is seeking alternative resources to fund capital improvement projects; and pointed out that the Development Impact Fees (DIF) is the first step, noting that additional measures will be recommended for City Council consideration.

Commissioner Pimentel pointed out that the signal next to this project leads almost directly to the 405 Freeway onramp, expressing her belief the truck traffic from this project will have little impact to 223<sup>rd</sup> Street.

Chairman Diaz stated he is opposed to chain-link fencing, noting this property should have decorative wrought iron fencing or some other type of wall.

Chairman Diaz opened the public hearing.

Mark Payne, representative, Panattoni Development Company, stated that this company develops brown field properties all over the world, noting that his focus is on Los Angeles County sites; advised that his company works on many brown field sites, turning them into productive uses; and stated that he understands the Commission's concerns with this unique site. He pointed out that 223<sup>rd</sup> Street will be greatly improved once the Wilmington Avenue project is completed; and he added that the Alameda Corridor is nearby and highlighted the nearby 405 Freeway onramp, limiting the time these trucks will be on 223<sup>rd</sup> Street. He pointed out that these small buildings are primarily occupied by small business entrepreneurs with a higher percentage of people doing office work, or a specialty wood shop or a headquartered business, businesses that don't utilize a lot of truck traffic; and stated it has been his experience that they do get pretty nice business uses within these small buildings. He pointed out that they will be providing a much higher percentage of landscaping than what is required, especially along the perimeter of 223<sup>rd</sup> Street.

Mr. Payne highlighted the comments regarding the condition of the roadways and noted that one of the conditions is the DIF that will address the infrastructure, stating they understand the need for these fees. He advised that this property is deed restricted

and, therefore, it can't have certain uses on it, such as schools, parks, or residential; expressed his belief that City staff did the best they could with what they had; and that the developer has taken into consideration staff's input when changing their building plans. He noted his concurrence with not allowing chain-link fencing along the roadway; stated that they prefer to use a wrought-iron look fencing, tubular steel material that is aesthetically pleasing and very commonly used. He stated that in order to screen off the loading area, they have proposed chain-link slatted fencing which goes between the industrial property lines; and advised that they also will be using decorative tilt-up concrete walls. He reiterated that instead of chain-link, if the Commission prefers, they could do a decorative metal fence or iron fence that would provide screening but wouldn't be chain link.

Chairman Diaz stated he would support the wrought-iron look fencing.

Commissioner Guidry asked the applicant when he first heard about the DIF condition.

Mr. Payne indicated he became aware of this condition within the past two weeks.

Commissioner Guidry noted her disappointment that only within the last two weeks this applicant had received word of this DIF condition knowing that the applicant and staff have been working on this project for a couple of years. She commented on the recent discussion this Commission had with staff regarding this new DIF for the Chico property and stated that the Commission directed staff that any future appeal of the DIF was to come before the Planning Commission. She stated she is troubled with an unknown fee being charged to these applicants, noting her support of the ability for a future appeal process, but reiterated that the appeal should first come before the Planning Commission.

Mr. Payne stated that the DIF is a standard within the industry.

Commissioner Guidry stated she is troubled with the proposed DIF because the City does not have an ordinance in place which identifies the fee, believing this is fundamentally unfair to require an applicant to agree to pay an unknown amount which could be an extremely significant fee.

Senior Planner Rojas explained that the City is approximately 15 to 20 years out of date with its codes/ordinances and that staff is currently modernizing and streamlining conditions and other revisions that will go before the Planning Commission and City Council for approval. He stated that staff has been notifying the applicants of this condition pretty close to hearing because it is so new, but that they will make the changes necessary to get the DIF language to the applicants possibly at the time they submit their development applications.

Commissioner Guidry stated that at the least, the developers should have some idea of the range of fees that will be applied to their projects.

Commissioner Pimentel concurred with Commissioner Guidry's comments regarding the fairness of this condition and the notification of the DIF condition and that any appeal should first come before the Planning Commission.

Planning Manager Naaseh explained that the City has hired a consultant who is currently working on this DIF process, noting that it will be a lengthy and difficult process to develop an infrastructure plan; explained that in the meantime, staff believes this interim language can be used until a final plan is put in place; and he noted this study can take two to three years to finalize and that the City is not in a position to wait that long.

Mr. Payne noted for Chairman Diaz that if they were to start their project now, it would take nine months to complete; he commented on his discomfort with the way the DIF language is worded, noting that a future buyer of a building only could come to the developer ten years down the road and say they are not going to assume the liability of paying the DIF; and that the developer would then have to set aside an unknown amount of money for a future fee.

Commissioner Guidry stated that the applicants should be informed of the DIF at the beginning of the application process, allowing the applicant to make an informed decision as to whether they want to go forward with a project application at that time.

Senior Planner Rojas explained that the City does not have a good way of recovering the cost to fix the infrastructure due to the damage being caused by industrial activities; that the open-ended DIF condition is staff's best attempt at this point; and stated that they will develop a way to inform the applicants at the beginning of the application process.

Chairman Diaz concurred with Commissioner Guidry that it was the Commission's direction to staff that any DIF appeal first come before the Planning Commission.

Planning Manager Naaseh reminded the Commission that if the City Council adopts a DIF, the decision for which body will hear the appeal will ultimately be up to City Council.

Mr. Payne asked that the words "long term" be removed from Condition No. 38.

There being no further input, Chairman Diaz closed the public hearing.

Planning Commission Decision:

Chairman Diaz moved, seconded by Commissioner Guidry, to approve the applicant's request; that Condition No. 26 be amended to not allow any chain-link, barbed and concertina wire fencing on this property; that Condition No. 38 to read, "The applicant will provide the CMC required parking. None of the required parking spaces shall be used for storage of vehicles/trucks or any other equipment"; that Condition 96 to read, "The City is in the process of developing and adopting Development Impact Fees (DIF) on new developments. DIF are routinely collected by other cities to pay for impacts of a project on the City's infrastructure including, but not limited to, streets, sidewalks, bikeways, parkways and median landscaping, parks, police, fire, sewer, libraries, and reclaimed water. The proceeds from DIF will be used by the City to pay for capital improvements necessary to accommodate new developments. The City's DIF will be developed to demonstrate that there is a reasonable relationship between the specific amount of the fee imposed, the particular development project and the cost of the public

facility attributable to the project. After the adoption of the DIF, the City will issue a letter to the Parties detailing the amount of the DIF due to the City. The Parties shall pay the DIF in full within 30 days from the date of the letter requesting the DIF payment. If payment is not received by the due date, the City will take further action for collection. The applicant may appeal the DIF amount to the Planning Commission. Any such appeal must be provided in writing to the City Clerk no later than 20 days following the date of notification of the amount from the Planning Department, stating the reasons for the appeal and including all relevant evidence in support thereof"; and moved to adopt Resolution No. 17-2597. Motion carried, 7-0 (absent Andrews, Madrigal).

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**9. MANAGER'S REPORT** None

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**10. COMMISSIONERS' REPORTS**

Commissioner Mitoma welcomed Commissioner Thomas back to the Planning Commission meeting.

Commissioner Thomas noted that he was absent from the last Planning Commission meeting because he was recently involved in an automobile accident.

Commissioner Guidry asked what is being done about the illegal parking of Car Pros Kia vehicles on the unpaved land underneath the sports center sign on Carson Street and Recreation Road.

Planning Manager Naaseh stated that he is checking into the situation and will have an answer soon.

Chairman Diaz asked what programs are available to assist and relocate the ever-increasing homeless/transient population in Carson, noting they are wandering through the neighborhoods; and stated that residents are voicing concerns for their safety and security of their property.

Planning Manager Naaseh stated that a recent program did reach out to assist this population in various ways, but noted that with the departure of Assistant City Manager Rhambo, he will have to inquire as to whether it will be continued and who might be heading up this effort; and pointed out there are limited resources, but reiterated he will get further information for the Commission.

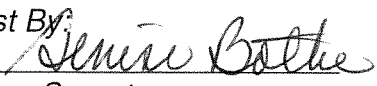
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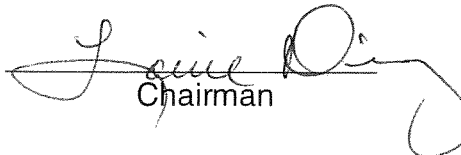
**11. ADJOURNMENT**

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At 8:45 p.m., the meeting was formally adjourned to Tuesday, February 14, 2017, 6:30 p.m., Helen Kawagoe Council Chambers.

Attest By:

  
Secretary

  
Chairman