



TUESDAY, APRIL 11, 2023
701 East Carson Street, Carson, CA 90745
City Hall, Helen Kawagoe Council Chambers
6:30 p.m.

MINUTES
MEETING OF THE
PLANNING COMMISSION

Members: Interim Chair: Dianne Thomas Vice Chair: Louie Diaz Frederick Docdocil
Carlos Guerra Del Huff Jaime Monteclaro
Karimu Rashad Richard Hernandez

Alternates: DeQuita Mfume Leticia Wilson

Staff: Planning Manager: Christopher Palmer
Planning Secretary: Laura Gonzalez
Assistant City Attorney: Benjamin 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

Interim Chair Thomas Called the meeting to order at 6:33 p.m.

2. PLEDGE OF ALLEGIANCE

Commissioner Wilson led the Salute to the Flag.

3. ROLL CALL

Planning Commissioners Present: Thomas, Guerra, Huff, Wilson, Mfume, Monteclaro

Planning Commissioners Absent: Hernandez (E), Docdocil (E), Diaz (E), Rashad (A)

Planning Staff Present: Planning Manager Palmer, Senior Planner Alexander, Associate Planner Whiting, Assistant City Attorney Jones, Planning Secretary Gonzalez

4. 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.

5. CONSENT CALENDAR

None.

6. NEW BUSINESS

None.

7. PUBLIC HEARING

A. Site Plan and Design Review (DOR) No. 1612-16, Conditional Use Permit (CUP) No. 1002-16

Applicant's Request:

A one-year time extension of Project Approval (Site Plan and Design Review No. 1612-16 and Conditional Use Permit No. 1002-16) to renovate an industrial site for a proposed truck yard facility at 20915 S. Lamberton Avenue.

Staff Report and Recommendation:

Associate Planner Aaron Whiting presented the staff report and the recommendation to ADOPT Resolution No. 23-2854, entitled, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON **DENYING** AN APPLICATION FOR A SECOND ONE-YEAR TIME EXTENSION FOR EFFECTIVENESS OF PREVIOUSLY GRANTED PROJECT ENTITLEMENT (SITE PLAN AND DESIGN REVIEW NO. 1612-16 AND CONDITIONAL USE PERMIT NO. 1002-16) TO RENOVATE AN INDUSTRIAL SITE FOR A PROPOSED TRUCK YARD FACILITY AT 20915 S. LAMBERTON AVENUE."

Commissioner Guerra – We received a significant amount of information regarding the alleged violations perpetrated by the applicant. I understand citations were issued. Is that correct?

Associate Planner Whiting – According to the code enforcement log, yes.

Commissioner Guerra – Were there any convictions?

Associate Planner Whiting – Not to my understanding.

Planning Manager Palmer – There is still an ongoing investigation regarding this property.

Commissioner Monteclaro – Can you be more specific as to the number of citations?

Associate Planner Whiting – There were multiple citations according to the code enforcement log.

Commissioner Monteclaro – Are these citations pertaining to health, safety, and welfare? During the one-year extension, were any of the workers affected health wise and was this attributed to the violations of the conditions? Did any workers get hurt or harmed because of these conditions?

Associate Planner Whiting – The citations were issued for improper parking and blocking the alleyway which has restricted access to other business owners who reached out to the city.

Commissioner Monteclaro – Is that violation detrimental to health, safety, and general welfare of the public?

Associate Planner Whiting – Blocking the alleyway and restricting access from other businesses using it, does negatively impact the general welfare of the community.

Commissioner Monteclaro – The fact that the violation is detrimental to the general welfare and can lead to health, safety, or general welfare issues is enough to deny?

Interim Chair Thomas – I agree with you Commissioner Monteclaro, that is a valid point. I am concerned that they are operating without a business license. Have they paid the Development Impact Fees and the Community Facility District Fees?

Associate Planner Whiting – To my understanding those fees have not been paid yet.

Interim Chair Thomas – That was a condition of the first approval. Am I right?

Associate Planner Whiting – That is correct.

Commissioner Huff – This business owner is applying for an extension, does not have license, has broken several rules in the city, got several citations, and is blocking easements for people. I don't think there is too much to say.

Commissioner Guerra – Was there any involvement with the fire department and/or the sheriff's office regarding blocking access?

Associate Planner Whiting – In my research of the project, there was no efforts by the fire department or the sheriff's department.

Planning Manager Palmer – Parking enforcement was involved. They were issued citations from parking enforcement as well.

Commissioner Monteclaro – Did staff consider the undue hardship described in a letter from the applicant regarding the \$100,000 in engineering and architectural costs and fees? The loss

suffered from unpaid rent at \$19,000 per month from the existing tenant who is scheduled to pay the increase in rent once the improvements are completed. Would staff consider that as an undue hardship and therefore grounds to grant the request for extension?

Associate Planner Whiting – Staff did consider that however, we could not make the finding of protecting the health and general welfare and safety of the public in the affirmative. It is required in order for us to recommend approval. That is why we are recommending denial.

Commissioner Monteclaro – So both conditions have to be satisfied by the applicant. First, that there is an undue hardship on their part financially. Second, they must satisfy that the existing conditions are not detrimental to health, safety, and general welfare of the public.

Associate Planner Whiting – Yes.

Commissioner Monteclaro –With the money spent on this project, would you consider this undue hardship?

Associate Planner Whiting – No.

Assistant City Attorney Jones – The code states that the commission may grant an extension if it finds that the termination of the permit would constitute an undue hardship on the permit holder and that the continuation of the permit would not be materially detrimental to the health, safety, and general welfare of the public. Both of those findings would need to be made in the affirmative in order to grant the extension. In addition to that, extensions for more than a total of one year which in this case there is, would also need to be made based on all the same criteria as for issuance of a new permit. Those are the findings that would need to be made in order to grant an extension. So, if any of those can't be made, you cannot grant the extension.

John Lasiter (applicant) provided background on the efforts made to complete the project and the challenges they are facing with current the tenant. The applicant went over efforts to curb the dust and various issues at site. Applicant stated that they are in the process of starting the eviction process on the current tenant due to the tenant not holding a current business license.

Interim Chair Thomas – How much time is left on their lease?

Mr. Lasiter – My attorney says we can get him out based on the tenant not holding a business license. In his lease it states he must be current on all governmental requirements. We asked him to produce a business license. If he doesn't produce it in ten days, we are moving forward with legal action.

Interim Chair Thomas – I don't think he can produce what he does not have.

Mr. Lasiter – We are going to remove him.

Interim Chair Thomas – What time frame are you estimating?

Mr. Lasiter – We estimate about three months. But in the meantime, we are going to move forward with Alhambra public works.

Interim Chair Thomas – When you originally got your permit there were some fees that needed to be paid before permits could be issued. Those fees have not been paid.

Mr. Lasiter – I think I have paid every fee I am asked to pay.

Interim Chair Thomas – I am getting a different report from staff.

Mr. Lasiter – Can you please share that with me? I will write a check tonight before I leave. I have never heard of that fee.

Interim Chair Thomas – There are conditional fees that are a part of a project. Once the planning commission decides to honor your request and approve the project there are fees that have to be paid. We have the Development Impact Fee and The Communities Facility District Fees.

Associate Planner Whiting – We will verify the fees and confirm whether they have been charged and are due at this time.

Mr. Lasiter – Any fee that was given to me I have paid. The fees have not been the issue on this project. I am happy to pay any fees that have been given to me.

Commissioner Huff – This property has been subleased, the original occupant that the City of Carson was dealing with is no longer there?

Mr. Lasiter – That is correct.

Commissioner Huff – There were penalties that were not paid during that time. If the occupant that was subleasing didn't pay something that was owed, wouldn't that fall back on the property owner?

Assistant City Attorney Jones – I do not know that the sublease affects it. I know that when we require Development Impact Fees and The Communities Facility District Fees that will generally be the obligation of the owner and any tenants. We need to verify in this case whether we have required the Development Impact Fee and The Communities Facility District Fees. I believe the Development Impact Fees are required by ordinance, but it is required prior to issuance building permits, and they haven't obtained building permits yet. They pay at the time that building permits are issued, and that is when it is calculated.

Commissioner Huff – Are you also the project manager? It seems like that is what you are doing, no one else is doing anything? In other words, everything is falling on you.

Mr. Lasiter – I am, but I hired a good team. I am an industrial broker by trade. The architect and civil engineer I hired do a lot of work with the city.

Commissioner Guerra – I understand you are a part owner is that correct? If that is the case, what percentage? Who are the other owners and what has been their involvement in this application process and/or development?

Mr. Lasiter – I am 25% owner. Edward Quan and his wife Judy Quan are owners of a portion of it. My wife Angela Lee also owns a portion. They have laid it all on me to handle this process.

Commissioner Guerra – It is going to take a considerable amount of time to evict someone, especially with the backlog caused by Covid. Our attorney with his expertise might be able to be more specific, but sometimes it takes two to three years.

Assistant City Attorney Jones – I am not familiar with unlawful detainers, evictions from commercial leases, and how long that takes. Obviously, lawsuits can take a long time. I have not seen the lease. Unlawful detainer actions can be a streamlined process versus a normal civil action, but of course they can still take a significant amount of time.

Commissioner Guerra – You are here to get an extension with so many uncertainties for you to be productive. Unfortunately, the businesses next to yours are the ones that are going to suffer. I do not know if you can get into compliance at an appropriate amount of time.

Mr. Lasiter – I think the tenant would benefit if he stayed. Whether he stays or goes, we are moving forward with the project. He would be happier because he does not have to pay the forty-four thousand dollars and can just sit there in his lawsuit for two years. He is the winner, I get the project done, and I think the neighbors are winners. If we don't, then everyone is going to sit around for two years while he operates on that property and causes all this havoc.

Interim Chair Thomas – I am not sure that he will continue to operate on that property if he has no license. I think the city steps in at the point and can do something from that level.

Commissioner Wilson – I believe our staff has done a great job with trying to work with this business for some time and to address the many issues that have been presented to us, including some existing code compliance. I rely on our staff to give us professional recommendations on all these issues. I believe that if we move forward with staff's recommendation it does not prevent the property owner from continuing to address some of these issues and then reapplying. I do not see why he cannot do that if he is rejected today.

Assistant City Attorney Jones – If the extension is not granted today, then the entitlements will lapse and there will be no more right of the owner or tenant to operate on the property. The business activities would need to cease. They would have the right to reapply for new planning entitlements, but between the time the entitlements lapse and the time that further entitlements are granted they would need to cease operations. The city would have the ability to pursue code enforcement action if there was continuing business operation on the property in a manner that would require a CUP or DOR approval.

Commissioner Monteclaro – Was the applicant aware of these citations?

Mr. Lasiter – No, I was not aware of the citations, but I was aware of the activity with parking enforcement.

Commissioner Monteclaro – You mentioned litigation, three months is impractical for a litigation to be finished. We should also consider appeal from the parties that can prolong the process. Judging from the first extension, you were not able to finish the job on time because of your problem with the tenant and some other uncertainties. What guaranty can you give the commission to ensure the project will be completed within this requested extension?

Mr. Lasiter – I gave it a lot of thought and I put down in writing the parties that are involved, which are the county and my civil engineer. You can reach out to them to verify. I left you a lot of emails showing that there is activity.

Commissioner Huff – Were there any outcomes since the time of the last extension? What has been accomplished and documented?

Mr. Lasiter – We got almost everything completed except for a couple boxes that we had to finish and that is why I am asking for the extension.

Commissioner Huff – Can you name us some outcomes of the items requested for completion.

Mr. Lasiter – I can't, I should have brought my civil engineer to answer that.

Interim Chair Thomas – You did say the irrigation was completed, right?

Mr. Lasiter – Yes.

Assistant City Attorney Jones – Maybe staff could comment on what conditions have been fulfilled?

Assistant Planner Whiting – The landscape has been completed, the damaged wall has been repaired, the tarping on the site has been removed, and the chain link fencing that was damaged was repaired. There were some code compliance repairs that were made on the property.

Mr. Lasiter – I was told by Planner Manraj Bhatia that we were not allowed to do any improvements on the property until we get through this building and safety process and get the approvals.

Interim Chair Thomas opened the public hearing.

Steve Pugh (speaker) – I own the property right next door and my fence borders is on their fence. My main complaint is the dust and dirt spreading and blowing across my property. They do not have the proper street sweepers to alleviate the problem. The dust and dirt have covered everything on my property both inside and out and I can't keep up with it. It's fine dust and when it gets wet it turns to clay. During the recent rains I noticed water coming in from places it should not. The water had compacted down the dust and clogged my drain. I spent a couple hours on

the roof in the rain to fix the drain. I hauled a wheelbarrow full of muddy dirt that was clogging my drains. Had I not removed the dirt it could have collapsed my roof. I used to spend a lot of time in the building, I do not go there anymore because of the dust and dirt that is blowing around all the time. I go home coughing and sneezing every time I go there.

Robert Puga (speaker) – I am the owner and occupier of the corner lot. If the applicant is asking to grant the alley to the owners is the biggest problem for me. They want all six lots in the alley to agree to give him the alley so he can close off the alley to make his property bigger. Is that correct?

Assistant Planner Whiting – City engineering and planning staff concurred to vacate the alleyway dedication in the event this was approved. The condition of approval was to dedicate 7.5 feet of the alleyway due frustration with the utility poles. Engineering staff confirmed that the alley was never going to be converted to a higher capacity street and we no longer intended to enforce that condition of approval.

Assistant City Attorney Jones – To further clarify, there is a public alleyway that goes through the middle of this operation. As part of the 2019 approval, there was a condition of approval to dedicate additional 7.5 feet to widen the alley. They worked on it for a long time, due to the utility poles that would be exposed by the widening and trucks hitting them staff agreed with the applicant that it wasn't feasible. They spent a lot of time trying to coordinate with the property owners to do that. That did not happen, staff indicated that they are willing to modify that condition of approval. We are not discussing modification of conditions right now. We are only discussing whether or not to grant an extension.

Julie Neal (speaker) – I am the owner of the property across the street. The continued condition of the subject property negatively impacts my ability to lease the property. I have had difficulty encouraging prospective tenants to lease the property because the dust storms on that street are constant. The street sweeper they use does not do anything and they have made no further efforts to remediate the dust situation. The dust gets into the office building on my property and into every office in my building. It covers cars on the street. They use the street to stage their trucks and to park trailers. We had to asphalt the entire parking in our property, and we were able to complete that without a CUP. I don't understand why you need a CUP to put asphalt in your property. This is my only source of income and I do not have a tenant in my property now. This is impacting me financially as I do not have a source of income right now.

Gwenn Vallone (speaker) – I am representing Pug Nation Rescue. About three years ago when we were looking to move in, we were promised by the applicant that within a year all the improvements would be made. Every day I look up and right next door to our parking lot there are these poles and wood, I'm afraid they are going to fall on us. I concur with my neighbors; this really has been an issue for years. Had we thought this project was not going to be completed in a timely manner we wouldn't even had bought the property. We did a ton of work on our property, and it is a beautiful piece of property. We are a dog rescue, and these issues affect us both, us, and the dogs in terms of breathing in all the dust. We put all this money into the property, followed every single rule through the pandemic, got our CUP, and got the property up to par. I feel the applicant and the owners are responsible for the hazards and everything

else. We are really concerned with the dust, safety, and everything that has already been discussed. We would be thrilled if the trucking company is not in our neighborhood anymore.

Interim Chair Thomas closed the public hearing.

Interim Chair Thomas – I had an opportunity to go to the site. I got to drive through the dust storm, and I was disappointed with all the time that has lapsed.

Assistant City Attorney Jones - If the extension is not granted then the tenant is not able to operate. They are not authorized to operate right now because there's no business license.

Commissioner Guerra – I feel for what Mr. Lasiter is going through but more for the neighbors that are physically affected by the dust. One of the neighbors felt that the roof was going to collapse due to the clay substance and the weight of the soil. We should be concerned about the people who are following the rules and regulations.

Monteclaro – The question is whether the applicant has met the standards for an extension of another year.

Planning Commission Decision:

Commissioner Huff moved, seconded by Commissioner Guerra, to approve staff's recommendation, thus adopting Resolution No. 23-2854. Motion Passed, 6-0.

8. MANAGER'S REPORT

Planning Manager Palmer – I would like to gage the commission to see who would be interested in receiving commissioner training. I am hoping for online courses that you do at your leisure. It is a complete training program. It teaches land use matters, what your roles and responsibilities are, expectations, things like that. Please send me an email confirmation if you are interested and I will be sure to get you set up for that.

9. COMMISSIONERS ORAL COMMUNICATIONS

Commissioner Monteclaro – I am glad to be back, I have been away for some time. I love to be here.

Commissioner Mfume – This was an interesting meeting, but we got through it.

Commissioner Guerra – It is a privilege to serve with my fellow commissioners and with staff. This was tough because I felt for the applicant, but we must be more concerned with the community. That is why we are here to serve the community.

Commissioner Huff – It was an interesting meeting. The fact of how the co-owner/project manager did see the vision, there is more work to be done. I really feel for the others that were going through it as well, dealing with the conditions. It was a good evening.

Assistant City Attorney Jones – I would like to point out for the commission that this matter is now appealable to the City Council. They have fifteen days to appeal. It is possible that the City Council could decide to send it back to the commission. It is possible that you may see it again on the appeal in the appeal process. It would be best to refrain from commenting on the decision we just made, because it is possible, we could see it again and that is separate from them potentially reapplying which would be for new permits.

Commissioner Wilson – It's good to see everyone.

Interim Chair Thomas – Thank you to our staff for all the hard work. Thank you to our manager who is getting us some additional training, we always look forward to that. Thank you to the commissioners who were available tonight. It is important that in order to continue doing our work we have to be present. I appreciate you taking the time out of your busy evening, we'll see you at the next meeting.

10. ADJOURNMENT

The meeting was adjourned at 8:00 p.m.

Interim Chairperson

Attest By:

Secretary