



WEDNESDAY, July 29, 2020

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

701 East Carson Street, Carson, CA 90745

6:30 p.m., Via Zoom

**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
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Staff:

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

1. CALL TO ORDER

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

2. ROLL CALL

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

Planning Commissioners Absent: None

Planning Commission Alternates Present: None

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

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. *(see below) 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) 952-1720 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/>.

4. CONSENT CALENDAR

A) Minutes Approval: July 14, 2020

Motion:

Chair Pimentel moved, seconded by Commissioner Rashad, to approve the July 14, 2020, Minutes as presented. Motion carried as follows:

AYES:	Fe'esago, Rashad, Valdez, Madrigal, Pimentel
NOES:	None
ABSTAIN:	Palmer, Rahman
ABSENT:	Cainglet, Mitoma (neither voice heard during vote)

5. PUBLIC HEARING

**A) Modification No. 1 to DOR 1621-16 and
Conditional Use Permit (CUP) 992-15**

Applicant's Request:

The applicant, Inland Valley Construction, is requesting to extend the approval of an existing 235-foot lattice tower-mounted wireless facility for three (3) months with four (4) existing telecommunication carriers at various heights and replacement of the facility with a stealth tower in the CG (Commercial, General) zone. The subject property is located at 17900 S. Central Avenue.

Planning Manager Betancourt presented staff report and the recommendation to ADOPT Resolution No. 20-2698, entitled, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON APPROVING MODIFICATION NO. 1 TO SITE PLAN AND DESIGN REVIEW NO. 1621-16 AND CONDITIONAL USE PERMIT NO. 992-15 TO ALLOW AN ADDITIONAL THREE MONTHS OF OPERATION FOR AN EXISTING 235-FOOT LATTICE TOWER-MOUNTED WIRELESS FACILITY AT 17900 SOUTH CENTRAL AVENUE."

Chair Pimentel opened the public hearing.

Emily Murry, applicant's representative, stated that they will do all they can to meet the deadline for removal of the old tower, but explained that because each carrier has to individually relocate to the new tower, they are seeking to extend the deadline to next year for the removal of the old tower; and she noted with that exception, they concur with the conditions of approval.

Sara Snell, project manager, explained that each carrier has to be fully installed on the new tower so as not to have any service disruptions; and she noted for Commissioner Valdez that they are in compliance with all FCC regulations. She clarified that American Tower is only responsible for the infrastructure, not the carrier equipment.

Brian Geis, Brandywine Homes representative, noted his support for this new tower but asked that a specific date be cited for the removal of the old tower.

Ms. Murry stated they should be able to remove the old tower by May 2021.

There being no further input, Chair Pimentel closed the public hearing.

Assistant City Attorney Jones noted a change to Condition Nos. 1 and 14 that relate to this new extension date for the removal of the old tower, extending it to May 8, 2021 and should read as follows: 1) In recognition of the proposed residential and/or mixed use development of the adjacent parcels (APN 7319-003-805, 7319-003-104, 7319-003-105, 7319-003-106), the applicant (American Tower), or the owner of the tower (facility) at the time, shall remove and replace the existing facility with a new, "stealth" facility on the subject parcel (APN 7319 003 809). **The new, "stealth" facility shall be constructed and in place within three (3) years and 3 months, and the existing facility shall be removed within three (3) years and nine (9) months,** of the expiration of all applicable appeal and/or statute of limitations periods (the "Effective Date") following the Planning Commission approval of Conditional Use Permit (CUP) No. 992-15 and Design Overlay Review (DOR) No. 1621-16. If the design of the new facility substantially conforms to the mono-pine design shown in Exhibit 2, no further Planning Commission approval of the new facility shall be required pursuant to Carson Municipal Code Section 9138.1 (Communications Facilities), and **it** shall be subject to approval by the Planning

Manager. Applicant shall construct the facility and use reasonable best efforts to complete construction of the new facility **on or before three (3) years and three (3) months after the Effective Date**, and the removal of the existing facility on or before three (3) years **and nine (9) months** after the Effective Date; 14) The applicant acknowledges that if the applicant complies with the ~~three (3)-year~~ schedule prescribed herein **Condition No. 1** to replace the existing tower with a 105' high stealth facility, the Conditional Use Permit shall be valid for a term of ten (10) years, to expire on August 8, 2027. The applicant further acknowledges that if the applicant fails to comply with the ~~three (3)-year~~ schedule prescribed herein **Condition No. 1**, the use and the development approved by this Conditional Use Permit shall terminate three (3) years **and three (3) months** after the granting of such, to expire on August **November 8**, 2020, and the existing tower shall be removed **by May 8, 2021**.

Planning Commission Decision:

Chair Pimentel moved, seconded by Commissioner Fe'esago, to approve the applicant's request; moved that the applicant be given until May 8, 2021 to completely remove the old tower, amending Condition Nos. 1 and 14 to reflect 3 years and 9 months and date of removal being May 8, 2021; and moved to adopt Resolution No. 20-2698. Motion carried, 8-0 (absent Madrigal, no voice heard during vote).

*(Vice-Chair Madrigal rejoined the Zoom meeting during staff report)

5. PUBLIC HEARING

**B) Site Plan and Design Review (DOR) 1813-19,
General Plan Amendment (GPA) 107-19,
Entitlement Zone Change Case 183-20**

Applicant's Request:

The applicant, Panattoni Development Company, Inc., is requesting to construct three concrete tilt-up light industrial buildings totaling 292,400 square feet, amend General Plan Land Use Designation from Business Park to Light Industrial and change the zone from MH-D to ML-D. The subject property is located at 2112 East 223rd Street.

Assistant Planner Castillo presented staff report and the recommendation to ADOPT Resolution No. 20-2699, entitled, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON APPROVING SITE PLAN AND DESIGN OVERLAY REVIEW NO. 1813-19, AND RECOMMENDING THAT THE CITY COUNCIL ADOPT GENERAL PLAN AMENDMENT NO. 107-19, ZONE CHANGE CASE NO. 183-20, AND MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM, FOR A PROPOSED TILT-UP WAREHOUSE FACILITY AT 2112 E. 223RD STREET."

Assistant Planner Castillo read into the record the public comment (email) submitted by Steven Piepkorn on behalf of Golden State Environmental Justice Alliance (of record).

Assistant City Attorney Jones highlighted the following change to the title of the resolution, and amendment to Section 6 of the resolution, and Condition of Approval No. 3: 'A Resolution of the Planning Commission of the city of Carson approving Site Plan and Design Overlay Review No. 1813-19, and recommending that the City Council adopt General Plan Amendment

No. 107-19, Zone Change Case No. 183-20, and Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, for a proposed tilt-up warehouse facility at 2112 E. 223rd Street'; amend Condition of Approval No. 3, 'Design Overlay Review No. 1813-19 shall become null and void two years following the effective date of its approval unless a building permit has been issued or a time extension has been approved by the Planning Manager. A building permit issued in accordance with this condition shall be maintained in valid status in accordance with applicable laws and regulations until it is completed/finaled; failure to do so shall result in Design Overlay Review No. 1813-19 becoming null and void upon expiration or invalidity of the building permit. This condition does not supersede an individual time limit for performance of specific conditions or improvements'; and to add language in Section 6 referring to the MND and MMRP.

Mark Payne, applicant's representative, stated that this site has been environmentally challenging for many years and mentioned that he believes the applicant's lawyer has resolved any issue of concern from the Golden State Environmental Justice Alliance, noting that as of today, they have a verbal agreement and are currently working on a written agreement between those two parties; and as a result, that group will likely withdraw its letter of concern once the agreement has been finalized. He noted his concurrence with the amended conditions of approval.

Assistant City Attorney Jones explained for Commissioner Cainglet that if the agreement between those two parties does not change the project, then it is a private agreement between them and is not required to be shared with the City.

There being no further input, Chair Pimentel closed the public hearing.

Planning Commission Decision:

Chair Pimentel moved, seconded by Vice-Chair Madrigal, to approve the applicant's request; moved to approve the revised resolution title, 'A Resolution of the Planning Commission of the city of Carson approving Site Plan and Design Overlay Review No. 1813-19, and recommending that the City Council adopt General Plan Amendment No. 107-19, Zone Change Case No. 183-20, and Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, for a proposed tilt-up warehouse facility at 2112 E. 223rd Street'; to amend Condition of Approval No. 3, 'Design Overlay Review No. 1813-19 shall become null and void two years following the effective date of its approval unless a building permit has been issued or a time extension has been approved by the Planning Manager. A building permit issued in accordance with this condition shall be maintained in valid status in accordance with applicable laws and regulations until it is completed/finaled; failure to do so shall result in Design Overlay Review No. 1813-19 becoming null and void upon expiration or invalidity of the building permit. This condition does not supersede an individual time limit for performance of specific conditions or improvements'; to add language in Section 6 referring to the MND and MMRP; and moved to adopt Resolution No. 20-2699. Motion carried, 7-1 (Cainglet voted no; Valdez abstained).

6. CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

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

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

Assistant City Attorney Lee stated no reportable action was taken.

7. CONTINUED PUBLIC HEARING

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

Applicant's Request:

The applicant, KL Fenix Corporation, is requesting consideration 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, 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." She read into the record the comment letters received following the completion of the agenda process (of record).

Chair Pimentel opened the public hearing.

Felipe Segovia, applicant's representative, provided a power point presentation of their revised site plans and specific plan; and he reiterated this project's main use is not a truck yard or truck operation. He added that truck access will only be from the 110 Freeway and Figueroa Street project entrance.

Community Development Director Naaseh noted for Commissioner Fe'esago that no sales tax revenue is expected from this project and very minimal amount of property tax revenue will be received; and briefly explained that the revenue from the CFD funds will have a net zero gain for the city, funds which will be used to repair the damage these trucks do to the city's roadways upon which they are permitted to travel. He explained that City staff (likely code enforcement) will randomly review the surveillance traffic videos of these trucking operations to make sure they are complying with the conditions; and that if they are found to be in violation, they could be brought back to the Planning Commission to address raising the amount of the violation fees.

Mr. Segovia noted for Commissioner Mitoma that all the trucks from this property will be clean air trucks and that most of those trucks will be owned by KL Fenix.

Vice-Chair Madrigal expressed his belief this applicant has made many concessions and stated he would be opposed to increasing the traffic fines to \$5,000.

Chair Pimentel expressed her belief staff is asking for too much from this applicant and suggested they be a permanent operation at 7 years.

Mr. Valdez asked if the applicant notified the nearby residents that this business would be open and doing business until 2:00 a.m. each day; and asked if the containers will be left on site overnight.

Mr. Segovia noted for Commissioner Valdez that some of the containers will be on site overnight; and stated that they spoke with the residents and after explaining they would only use Figueroa Street, there was no opposition.

Discussion ensued with regard to the potential for the Rand property to have a residential development and this applicant's willingness to accommodate cutting back the operations of this business.

Mr. Segovia noted for Commissioner Rashad that KL Fenix has owned this property for 7 years.

Commissioner Rashad expressed his belief the traffic fines should not be any different for this business than they are for others in the city.

Assistant Planner Bhatia explained that the 1,000-foot setback for residential or institutional uses will need to be modified.

Alberto Melchor, 2600 Main Street, noted his support for the applicant's project, noting this applicant will be cleaning up a long-time blighted property.

Joseph Fine, 2600 Main Street, noted his support for the applicant's project, expressed his belief this project will not have a negative impact on the neighbors; and stated he is pleased with the applicant's proposal to clean up this property.

Alice Rand-Anderson noted that her family has owned property in Carson for over 20 years; explained that their plans for the adjoining property will bring enhanced property taxes and 1,000 construction jobs; stated that a heavy industrial use next door severely limits their ability to attract partners; and noted her concern there was no community meeting to address the applicant's plans for this site. She addressed her disappointment with this applicant not reaching out to them, being the adjacent property owner; and she added they are concerned with the setbacks and the cargo containers lining the perimeter of their future residential development.

Richard Rand, owner of the adjacent property, expressed his concern that the container storage and operations next door to his future residential development will be very disruptive to the residents; and he addressed the poor air quality in those areas that have truck-related businesses, idling of trucks, and noise from backing in and out of parking spots; and he stated this project will create a traffic burden to the neighborhood and surrounding area. He

highlighted the new projects that have gone into this area or are planned for this area, such as the Porsche Experience, the 157-acre mixed use development, the MBK housing, etc.; stated that none of those businesses want to be around a heavy industrial trucking and container operation; and he stated that the nearby on/off-ramps are already over capacity. He urged the Planning Commission to deny the applicant's request.

Sheri Repp, representing Mr. Rand, stated this is not an appropriate location for a heavy industrial use and is incompatible with the long-term interests and growth being witnessed in this area. She expressed her concern why this project is even being considered for this area that has no other heavy industrial use nearby and is located next/near other sensitive uses, such as residential, churches, schools, etc. She pointed out that the signed petitions are in conflict with the previous signed petitions they provided at the last hearing, noting that there are repeat signatures and people signing yes on one petition and no on the other petition asking for the same thing, expressing her belief that a community meeting should take place because it's obvious from these petitions the residents are not clear on what they are signing. She stated that approving this as a heavy industrial use will only set a precedent that will further blight this area.

Commissioner Valdez asked Ms. Repp if she has seen in her planning career such a proposal for heavy industrial to be placed in a sensitive area.

Ms. Repp stated that while she has seen heavy industrial proposals situated close to this port city, the city has always been very protective in not allowing any heavy industrial uses within 1,000 feet of a residential area or other sensitive uses.

Commissioner Mitoma asked why KL Fenix has owned this property for 7 years and allowed it to sit in a blighted condition all that time, not removing the weeds, at a minimum.

Mr. Segovia explained that they tried unsuccessfully to put up a chain link fence but stated they will now start keeping it maintained.

Chair Pimentel closed the public hearing.

Planning Commission Decision:

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

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

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

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

Commissioner Palmer seconded the motion.

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

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

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

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

The makers of the motion accepted the friendly amendments.

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

- Approve 475 container/truck spaces for 10 years and warehouse building;
- Should a residential and/or commercial project for Parcels 3, 4, or 5 be built within 10 years after Certificate of Occupancy is issued for applicant's project, the 475 container/truck space Cargo Container Parking facility use and operations will cease permanently. The warehouse will be permanent regardless of development of adjoining projects;
- Applicant is to place in an escrow account \$50,000 as a good faith gesture that will be used by the city for any litigation resulting from this project;
- Amend the resolution/conditions as follows:
 - The warehouse shall be built concurrently with the rest of the project
 - Edit the reference to the 1,000-foot buffer for residential and institutional uses

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- Fines to remain \$1,000. But at any time if there are 10 or more violations in one month, the project would be brought back to the Planning Commission to consider raising the amount of the fines
 - Resolution, Section 2, Subsection 1(h), first sentence will read, “The proposed Cargo Container Parking facility will not be incompatible with the character of the surrounding uses”; and Subsection 2(e), first sentence will read, “The proposed Cargo Container Parking facility will not be incompatible with the intended character of the area.”

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

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

8. MANAGER’S REPORT

Planning Manager Betancourt stated that the next Planning Commission meeting is August 25th.

9. COMMISSIONERS’ ORAL COMMUNICATIONS

Chair Pimentel thanked everyone for their participation this evening.

10. ADJOURNMENT

The meeting was adjourned at 11:33 p.m.

Ramona Pimentel (COVID SIGNATURE)

Chairman

Attest By:

Denise Bothe (COVID SIGNATURE)

Secretary