

PLANNING COMMISSION STAFF REPORT

PUBLIC HEARING: March 22, 2022

SUBJECT: Appeal of Director Approval of Design Review (DOR)

No. 1831-20

APPELLANT: Andy Lee

320 S. Ardmore Avenue Unit 110

Los Angeles, CA 90020

PROPERTY OWNER: LIT 9th Street 223rd LLP

P.O. Box 3388

Manhattan Beach, 90266

REQUEST: Consider the appeal of the Director's approval of a new

126,013 square foot, tilt-up warehouse building with 6,512 square feet of mezzanine office space, surface parking: including 20 truck loading docks and 2

truck/forklift doors.

PROPERTY INVOLVED: 1055 E. Sandhill Avenue

COMMISSION ACTION

AYE	NO		AYE	NO	
		Chairperson Thomas			Monteclaro
		Vice Chair Palmer			D. Thomas
		Diaz			Rashad
		Guerra			Hernandez
		Huff			Alt. Docdocil Alt. Mfume Alt. Wilson

I. Introduction

Appellant
Andy Lee
320 S. Ardmore Avenue Unit 110
Los Angeles, CA 90020

Property Owner
Rexford Industrial LLC
11620 Wilshire Blvd., 10th Floor
Los Angeles, CA 90025

II. Project History

On July 21, 2020, the Department of Community Development received an application from Rexford Industrial, LLC for real property located at 1055 E. Sandhill Avenue, requesting approval of Site Plan and Design Review No. 1831-20 to demolish a former General Mills industrial facility and associated ancillary structures and construct a new 127,000 square foot tilt-up warehouse with surface parking.

Rexford Industrial is a Southern California based industrial real estate investment and Management Company specializing in logistics and e-commerce solutions with their headquarters in Los Angeles, CA. Rexford Industrial was established in 2013, and focuses exclusively on investing in industrial properties throughout Southern California.

On August 24, 2021, Planning staff prepared a report to present to the Planning Commission for its consideration of issuance of a Site Plan and Design Overlay Review approval for the project pursuant to Carson Municipal Code ("CMC") Section 9172.23 ("Site Plan and Design Review"), based on staff's belief at that time that the project was located in the City's Design Overlay Zone, but before the public hearing took place the applicant tabled the matter. In the ensuing weeks, staff determined the project does not actually require approval pursuant to CMC 9172.23 because it is not in fact located in the Design Overlay Zone. (See, e.g., Exhibit No. 2, CMC §§9113.2, 9126.9, 9172.23). Accordingly, and based on the ML (Manufacturing Light) Zoning in which the project is a permitted use, staff determined that review should be solely ministerial.

Staff moved forward with an administrative review and approval process which did not include Site Plan and Design Overlay Review per CMC 9172.23 or CEQA review, and on January 12, 2022, the Director conditionally approved the project subject to the plan check process from the various City departments.

On February 11, 2022, Mr. Andy Lee filed an appeal with the City Clerk (which was received by the City Clerk on February 14, 2022) on the grounds set forth in the Appeal Application attached to this report as Exhibit No. 3, including that the proposal should have gone through CEQA review and received Site Plan and Design Overlay Review approval from the Planning Commission. The appeal was accepted by the City Clerk's office on March 10, 2022, as set forth in the Notice of Acceptance attached to this report as Exhibit No. 4.

III. Project Site and Surrounding Land Uses

The subject property site is located in the ML zone and is designated Light Industrial under the Land Use Element of the General Plan. The subject property is located on the north side of the Gardena Freeway between Central Avenue and Avalon Boulevard.

Land uses surrounding the project site are primarily light-industrial uses.

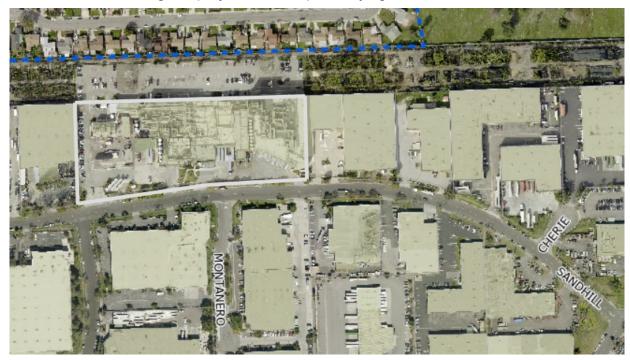


Figure (a) Project Site in context to surrounding zoning

The following table provides a summary of information regarding the project site:

Site Information			
General Plan Land Use Light Industrial			
Zone District ML (Manufacturing, Light)			
Site Size	5.7 acres		
Present Use and Development Formerly a General Mills yogurt processing facility			
Surrounding Uses/Zoning	North: Open Space, OS		
_	South: Light Industrial, ML		
	East: Light Industrial, ML		
West: Light Industrial, ML			
Access Ingress/Egress: Sandhill Avenue			

IV. Analysis

Site History

The subject property has historically been an industrial property. General Mills used the property from 1978 until March 2020 as a refrigerated yogurt production plant. Along with the food processing facility, there are seven existing structures that will also be demolished as part of the project as approved by the Director.

There is an oil well on the site that was previously abandoned on November 4, 1960. A leak test was conducted by the applicant in March 2021 with no leak being detected. The abandoned oil well will remain accessible for future maintenance if necessary.



Site Plan

The subject property measures approximately 5.7 acres. The warehouse building as approved by the Director includes approximately 119,500 square feet of warehouse space with 6,512 square feet of office space. A new parking lot will be installed that will include American with Disabilities Act (ADA)-accessible parking. Landscape planters with permanent irrigation and a trash enclosure will also be installed. The project involves the complete demolition and removal of the existing food processing facility and seven other associated structures currently existing on the site.

Access

The warehouse and office facility as approved by the Director will have pedestrian and two vehicular access points from Sandhill Avenue.

Fencing

An 8' foot high wrought iron fence will be installed along the northern, eastern, and western perimeter facing adjoining businesses. Shrubs will also be planted at the northern property line to ensure screening from the neighboring residential properties to the north.

Parking

Staff determined the project met applicable parking requirements. CMC Section 9162.21 (Parking Spaces Required) requires 1 parking space for every 1,500 square-feet of gross floor area for warehouse purposes and 1 space for every 300 square feet of office space. CMC Section 9162.24 (Automobile Parking Spaces requires for Mixed Uses) states that office space incidental to warehouse or other industrial uses shall have its required parking spaces computed at the same ratio as the industrial use, provided the office space does not exceed ten percent of the total gross floor area. The project requires 84 parking spaces: 80 for warehouse (119,501 sf/1,500 =79.67) and 4 for office (6,512 sf/1,500 = 4.34). The project as approved by the Director provides for 130 parking spaces; 94 standard stalls, 30 compact stalls, and 6 ADA compliant parking stalls.

Building and Architecture

The project is designed in a modern architectural style combining painted concrete blocks, metal canopies, clear anodized mullions, and blue high-performance glazing. Large openings with reflective glass have been used along the Sandhill Avenue façade to create an office-like appearance. Articulation of the concrete panels interspersed with the use of different color tones effectively breaks-up the façade and creates an interesting design aesthetic.

Signage

CMC Section 9146.7 (Signs) allows two square feet of signage for every one linear foot of lot frontage for the first one hundred (100) feet, plus one-half (1/2) times the frontage in excess of one hundred (100) feet. The warehouse and office facility as approved by the Director has approximately 800 feet of lot frontage along Sandhill Avenue, allowing 550 square feet of signage. The applicant has not proposed signage at this time.

Landscaping

Staff determined the project met applicable landscaping requirements. Carson Municipal Code Section 9162.52 (Landscaping Requirements) requires automobile parking facilities and any parking facilities visible from the public right-of-way to have interior landscaping with permanent irrigation of not less than 5%. The project provides for installation of approximately 35 feet of landscaping in the front, adjacent to Sandhill Avenue, over and above the required 20 feet of front yard setback. In addition, interior parking lot landscaping is provided all along the periphery of the property on the North, West, and East side. A total of 32,907 square feet of landscaping is provided, which totals to about 13% of the land area.

Environmental

Staff determined that CEQA review is not applicable to the proposed development because it is not a discretionary project within the meaning of CEQA, as no discretionary City entitlement is required for approval of the project. (See, e.g., Cal. Pub. Res. Code §21080(a)-(b)).

V. <u>Legal Standard on Appeal</u>

It is important to note that for this matter, the Planning Commission is not tasked with making an initial or primary determination on whether or not to grant a specified entitlement as is usually the case with projects that come before the Planning Commission. For example, the Planning Commission is not to determine whether the required findings of CMC 9172.23 are met here. Instead, the Director determined that CMC 9172.23 does not apply and conditionally approved the project ministerially, and the Planning Commission's task is to make a decision on the appeal that was filed challenging that Director's decision based on the grounds set forth in the Appeal Application. The standard of review is therefore different than usual, and it is detailed below.

CMC 9173.4(A) provides that any decision made by the Director pursuant to the City's Zoning Ordinance may be appealed to the Commission. Any decision made by the Commission pursuant to the Zoning Ordinance may in turn be appealed to the Council.

CMC 9173.4(B)(2) provides that an appeal shall be filed, in the case of an action by the Director, within fifteen (15) days of the date of the notice of decision. Per CMC 9173.32, for each decision, notice of the decision shall be sent by first class mail to: (i) The applicant or person initially requesting consideration of the matter; and (ii) Each person who has filed a written request therefor. Per CMC 9173.33, except as otherwise provided in the decision or by law, decisions made by the Director pursuant to the Zoning Ordinance shall become effective fifteen (15) days from the date of the written notice containing the decision, unless appealed.

CMC 9173.4(C) provides that "[e]xcept as otherwise provided in [the Zoning Ordinance]", in acting on an appeal the appellate body may:

- a. Affirm the decision; or
- b. Modify the decision; or
- c. Refer the matter back to the body from which the appeal originated, with instructions; or
- d. Reverse the decision.

Per CMC 9173.4(C)(3), "[u]nless referred back to the body from which the appeal originated, the appellate decision shall be supported by written findings." Per CMC 9173.4(D), "[t]he appellate body shall, within sixty (60) days of the filing of an appeal, act to either affirm, reverse, modify, continue or refer matter back."

After conducting the public hearing, including hearing the arguments presented by both the appellant and the project applicant/property owner, the Planning Commission will need to decide whether to affirm the Director's decision, modify the Director's decision, refer the matter back to the Director with instructions, or reverse the decision. However, the Planning Commission's decision must be supported by written findings unless the Commission decides to refer the matter back to the Director with instructions. So, if the Commission sees fit to select any of the other three alternatives, staff recommends that the Commission provide direction to staff regarding the preferred alternative and the findings to support same, and direct staff to then prepare the resolution with proposed written findings for adoption by the Planning Commission at its next meeting (without a further public hearing on the matter, assuming the hearing is completed/closed at tonight's meeting).

VI. Public Notice

Notice of public hearing was published in the newspaper on March 10, 2022. Notices were mailed to property owners and occupants within a 750' radius and posted to the project site by March 12, 2022. The agenda was posted at City Hall no less than 72 hours prior to the Planning Commission meeting.

VII. Recommendation

- 1. Open public hearing, take public comment, and close the public hearing.
- 2. Provide direction to staff regarding preparation of a resolution with written findings supporting a decision on the appeal pursuant to CMC 9173.4(C) for adoption at the next Planning Commission meeting.

VIII. Exhibits

- 1. Director's Letter of Approval (with attachments)
- 2. Map of Design Overlay Zone and Project Site
- 3. Appeal Application
- 4. Notice of Acceptance

Prepared by: Alvie Betancourt, Planning Manager



City of Carson

January 12, 2022

RJ Rieves Rexford Industrial LLC 11620 Wilshire Blvd., 10th Floor Los Angeles, CA 90025

VIA EMAIL

SUBJECT: DESIGN OVERLAY REVIEW (DOR) 1831-20 – 127,000 SQUARE FOOT

TILT-UP WAREHOUSE - 1055 E. SANDHILL AVENUE;

APN: 7319001034

Dear Mr. Rieves:

Thank you for the opportunity to assist with your development needs. Staff has reviewed your proposal to permit a new 126,013 square foot, tilt-up warehouse building with included 6,512 mezzanine office space with surface parking: including 20 truck loading docks and 2 truck/forklift door at 1055 Sandhill Avenue. The 5.7-acre project site is located within the Manufacturing Light zone with a General Plan land use designation of Light Industrial.

The Planning Division of the City of Carson acted upon your application, received on July 21, 2020, and your request has been <u>conditionally approved</u>. Approval is solely for the subject property 1055 E. Sandhill Avenue, APN: 7319001034. The adjacent Southern California Edison (SCE) property, APN: 7319001802, is not included in this entitlement and the user of this property is prohibited from utilizing the SCE property for any purpose. The adjacent SCE property shall only be accessed and utilized by SCE and its employees. The developer, property owner, or future tenants shall not sub-lease the adjacent SCE property for any use.

Included in this letter are the Conditions of Approval for this application. Under the provisions of the Carson Municipal Code, the action taken by the Planning Division is final and effective fifteen days after the date of approval unless within such time an appeal is filed with the City Clerk in accordance with the provisions of the Carson Zoning Ordinance.

If you have any questions, please contact Kaneca Pompey, Assistant Planner at (310) 952-1761 ext. 1327 or kpompey@carsonca.gov.

Sincerely, Saied Naaseh Community Director

Attachments:

- 1. Findings and Conditions of Approval DOR 1831-20
- 2. Site Development Plans received November 9, 2021 DOR 1831-20
- 3. Landscape Plan received November 9, 2021—DOR 1831-20
- c: Alvie Betancourt, Planning Manager Kaneca Pompey, Assistant Planner

EXHIBIT NO. 2 City of Carson ORL OVERLAY MUR OVERLAY D OVERLAY EMS OVERLAY STADIUM OVERLAY SPECIFIC PLAN DOMINGUEZ TECHNOLOGY CENTER S.P. (PHASE 2) CARSON TOWN CENTER DOMINGUEZ HILLS VILLAGE MONTEREY PINES ARBORS AT AVALON CARSON MARKETPLACE THE AVALON PANAMA AND SEPULVEDA

City of Carson, CA CITY TREASURER'S OFFICE 701 E Carson St Carson, CA 90745 (310) 830-7600 http://ci.carson.ca.us

001649-0044 Rainon D. 02/14/2022 04:27PM

MISCELLANEOUS Description: PLANNING FEES (4602) PLANNING FEES (4602) 2022 Item: 4602 1 @ 100.00 PLANNING FEES (4602)	100.00
100-99-999-999-1010- 101-70-780-290-4602 -	100.00D 100.00C
	100.00
Subtotal Total	100.00 100.00
OFFSITE CREDIT CARD Ref Number MC	100.00
	can have the first of the contract was made and the contract of
Change due	0.00

Comments: APPEAL FEE PLANNING FEE PER AB 1055 SANDHILL AVE

Paid by: ANDREW LEE

FUTURE UNLIMITED! Business Hours: 7am to 6pm Monday – Thursday

> CUSTOMER COPY DUPLICATE RECEIPT

CITY OF CARSON Development Services Group
FEE PAYMENT FORM
PERMIT TYPE OR ITEM DESCRIPTION 23 FEES
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/) 0
AMOUNT DUE: 100. Q
APPLICANT NAME: Andy Lec
305 Hamore Gut 110
PROPERTY INVOLVED: 1055 Sandhill Ave.
STAFF: M. Alexander for
DATE: 2/14/22 13
RECEIPT NUMBER:





Appeal Application

City Clerk's Office 701 E. Carson St. Carson, CA 90745 310-952-1720 2022 FLB | 4 PM 3: 52 Clerk's Date & Time Stamp, D 0 0 1

Appeals are time sensitive and must be received by the City Clerk in the specified time period pursuant to the Garson Municipal Code or applicable authority. It is advisable to consult with the Department managing the issue if there is question with regards to appealing an action. All fees associated with appeals can be located in the City's Master Fee Schedule and/or Carson Municipal Code, This is an appeal of the: Director decision to the Planning Commission - shall be filed in writing within 15 days of the date of the Director Planning Commission decision to the City Council - shall be filed in writing within 15 days of the date of the Commission action, Cither - Specify decision-maker, appellate body, Municipal Code authority: Appellant Information Name(s): Address: 320 Gity/State/Zip: Email: Appealing Application Regarding: *If appeal is made by any member of the City Council or the City Manager, the sections identified with an asterisk (*) are not required; the Statement of Grounds for Appeal need only provide, in substance and effect, a request that a specific decision, administrative case number, or resolution number, as the case may be, be reviewed by the Planning Commission of City Council, as the case may be. CMC §9173.4. Name of Applicant(s): Re Date of Final Decision: *Administrative File No. /Oase No.: Site *Street Address (etherwise, the legal description and location of the premises included in the action) *Specific Matter Being Appealed: Statement of the Grounds for Appeal (attach separate sheet if necessary); Signature of Appellant FOR OFFICE USE ONLY 20 22 Date Appeal reseived: Appeal Fee received: 8 Dr. Khaleah K. Bradshaw, City Clerk

APPEAL APPLICATION

February 11, 2022

Sent via email to: cityclerk@carsonca.gov

City Clerk's Office 701 E. Carson Street Carson, CA 90745 (310) 952-1720

Appeals are time sensitive and must be received by the City Clerk in the specified time period pursuant to the Carson Municipal Code or applicable authority. It is advisable to consult with the Department managing the issue if there is question with regards to appealing an action. All fees associated with appeals can be located in the City's Master Fee Schedule and/or Carson Municipal Code.

This is an appeal of the:

X Director decision to the Planning Commission — shall be filed in writing within 15 days of the date of the Director

Planning Commission decision to the City Council — shall be filed in writing within 15 days of the date of the Commission action.

Other - Specify decision-maker, appellate body, Municipal Code authority:

Appellant Information:

Name(s):

Andy Lee

Address:

320 S. Ardmore, Unit 110

City/State/Zip: Los Angeles, CA 90020

Phone:

(213) 442-9233

Email:

alee@teamster.org

Appealing Application Regarding:

If appeal is made by any member of the City Council or the City Manager, the sections identified with an asterisk (*) are not required; the Statement of Grounds for Appeal need only provide, in substance and effect, a request that a specific decision, administrative case number, or resolution number, as the case may be, be reviewed by the Planning Commission or City Council, as the case may be. CMC §9173.4.

Name of Applicant(s):

Rexford Industrial

Date of Final Decision:

January 27, 2022 or January 12, 2022 (See discussion below)

*Administrative File No. /Case No.:

Site Plan and Design Review (DOR) No. 1831-20

*Street Address:

andy Lee

1055 E. Sandhill Avenue, Carson, CA

*Specific Matter Being Appealed:

Approval of the "Sandhill" project by Planning Department staff.

Statement of the Grounds for Appeal:

This project is covered by CEQA and should have gone through CEQA review and

received approval from the Planning Commission. (See discussion below)

Signature of Appellant:

STATEMENT OF THE GROUNDS FOR APPEAL:

This appeal challenges the approval given by Planning Department staff to the following project:

Project Description:

Site Plan and Design Review (DOR) No. 1831-20 Location: 1055 E. Sandhill Avenue, Carson, CA Project Owner & Applicant: Rexford Industrial

From the Planning Commission staff report: "The applicant, Rexford Industrial LLC, requests approval of DOR No. 1831-20 to demolish a former General Mills yogurt processing facility with associated ancillary structures, and construct a new 126,013-square foot, tilt-up warehouse building with included 6,512 mezzanine office space and with surface parking; Including 20 truck loading docks and 2 truck/forklift doors."

Approval Process:

During the early stages of this project's approval process, city staff considered this project subject to the California Environmental Quality Act (CEQA). This meant the project would have to go through the CEQA environmental process including preparation of a Mitigated Negative Declaration (MND) and a hearing before the Planning Commission. The public review period for the MND was held in July and August of 2021. A Planning Commission hearing was scheduled for 8/24/2021. Planning Commission staff recommended that the body adopt the MND and approving the site plan and design overlay review. The hearing never happened. According to the 8/24 Planning Commission meeting minutes:

The applicant asked to table the item because they must do additional due diligence before moving forward. So, the item if and when it comes back will be noticed properly and anyone who has been previously asked to be a part of the meeting will be notified...The public hearing was opened, and planning secretary Sandoval read a comment from the public from Debra Thomas who was a Compton resident stated that she is concerned about the noise from this project. Chair then closed the public hearing. Chair Thomas made a motion to table this item indefinity and made it clear that bringing this item back would necessitate re noticing and invitation to those who took interest in the item.

Chair Thomas (1st) Motion to approve, Commissioner Diaz 2nd; Motion passed unanimously.

The project was never scheduled for a future Planning Commission hearing. I inquired as to why this was the case. In December 2021, Planning Manager Alvie Betancourt stated that "an applicant" (presumably the developer of this project) brought a court case (*McCorkle Eastside Neighborhood Group v. City of St. Helena*) to the attention of the City Attorney. The City Attorney agreed with the applicant that the McCorkle case meant that the Sandhill project was not covered by CEQA, and would not need to go through a Planning Commission hearing.

The City Attorney – relying on the *McCorkle* case – had decided that projects "based solely on site design" are no longer covered by CEQA, do not need to get approval from the Planning Commission, and would be handled administratively (i.e., approved by staff). Previously, any development project in Carson with site plan and design review was considered covered by CEQA and went to the Planning Commission for approval. Going forward, only projects with 1 or more discretionary permits – like a conditional use permit or a variance – would be covered by CEQA and have to get Planning Commission approval.

This Project Is Covered by CEQA:

I believe that this decision is wrong. Generally, CEQA covers private development projects that are "discretionary" but not "ministerial" projects. (See Pub. Res. Code § 212080(a) & (b)(1); CEQA Guidelines §§ 15060(c)(1), 15268(a).) A discretionary project is one that requires the exercise of judgement or deliberation by a public agency, allowing the agency to use subjective judgement to decide whether or how to carry out or approve a project. (See CEQA Guidelines § 15357, 15002(i).) By contrast, a project is ministerial if limited to only conformance with a fixed standard or objective measurement and requires little or no personal judgement by a public official as to the wisdom or manner of carrying out the project. (See CEQA Guidelines § 15357.) Ultimately, whether a project is discretionary or ministerial, depends on whether the agency has the "power to shape the project in ways that are responsive to environmental concerns."

(Friends of Juana Briones House v. City of Palo Alto (2010) 190 Cal.App.4th 286, 302; see also Sierra Club v. Napa County Bd. of Supervisors (2012) 205 Cal.App.4th 162, 179.)

Here, there is no question that that Site Plan Review is discretionary. First, courts have characterized site plan review as discretionary. (See e.g., Long Beach Sav. & Loan Ass'n v. Long Beach Redevelopment Agency (1986) 188 Cal. App. 3d 249, 263 n.13.) Second, the record fails to show that the request action falls within the limited circumstance allowing Director Approval under CMC § 9172.23, subd. B.2 (e.g., structure less than \$50,000, signs, fences, etc.). Third, the request action falls within quasi-judicial process (id., subd. C), requiring agency discretion in making findings (id., subd. D.). Fourth, McCorkle is distinguishable where that case involved a city that previously amended its housing element to make a multifamily residential building by right and limited to just design review. (See McCorkle Eastside Neighborhood Group v. City of St. Helena (2018) 31 Cal.App.5th 80, 85, 87.) Here, the record fails to indicate that this warehouse project is byright and includes site plan review in addition to design review. Additionally, the Planning Commission has the ability to condition the project to address the various environmental concerns of the project, which are reflected in the Coderequired findings (e.g., compatibility with General Plan and surrounding uses, safety of circulation for pedestrian and vehicles, etc.). (CMC § 9172.23, subd. D.1 & D.2.) Fifth, the City's recent interpretation that Site Plan Review is ministerial and not subject to CEQA warrants no deference from the courts given it based entirely on an undisclosed unilateral interpretation by the developer (Tower Lane Properties v. City of Los Angeles (2014) 224 Cal.App.4th 262, 278), which has never previously applied (Horwitz v. City of Los Angeles (2004) 124 Cal. App. 4th 1344, 1353), and lacking any consistent or long standing administrative construction by the city (California Renters Legal Advocacy & Education Fund v. City of San Mateo (2021) 68 Cal.App.5th 820, 843). Sixth, it is inherently contradictory to claim the matter is ministerial and not subject to CEQA, on one hand, and then proceed to claim a common-sense exemption. Moreover, such a common-sense exemption is inapplicable given the likely impacts involved here (see prior comment letter attached hereto and incorporated in this appeal in its entirety).

In sum, this is not a housing project where Carson lacks discretion (such as the case in McCorkle).

<u>Carson City Staff and Planning Department Reports Indicated the Project Had Not Been Approved Through 1/26/22 and 2/1/22 Respectively:</u>

Ever since I learned that the Sandhill project would be approved by Planning Department staff without a public hearing or CEQA review, I have been in constant contact with the assigned planner from Dec. 2021 through this week. The sole purpose of this has been to ascertain the date on which this project is approved so I could file an appeal within 15 days of the approval date. I have been in touch with the planner every week in January and February 2022 by phone and/or email. For example, see the attached screenshot ("Screenshot – Emails to Carson Planner) showing that I sent emails to the planner on 1/22/22, 1/25/22, 2/4/22, and 2/9/22 asking whether the project was approved and the date of approval. The planner, on at least 3 occasions throughout January, confirmed that the project had not been approved. She left me a voicemail on 1/26/22 clearly stating that the project had not been approved as of that date. I have kept a copy of that voicemail which I can provide.

I last spoke with the planner on Wednesday 2/9/22 and I again asked if the project had been approved. She told me the project was approved on 1/27/22. When I asked for written documentation of the approval date, she went through her records and discovered a letter dated 1/12/22 sent to the applicant approving the project. She then said she would need to speak with her supervisor to clarify the issue. I never received a definitive answer from her, but Planning Manager Alvie Betancourt told me on Thursday 2/10/22 that the project was considered to have been approved on 1/12/22.

If it turns out that 1/12/22 is determined to be the approval date, my appeal should still be considered timely since I relied on the information provided to me by the sole planner assigned to this project. In particular, the 1/26/22 voicemail she left me is crucial. Assuming the project was approved on 1/12/22, the 15-day appeal window would extend through 1/27/22. Had I been told in that 1/26/22 voicemail that the project had been approved on 1/12/22, I would have been able to file a timely appeal.

Carson Planning Department reports also indicated that the Sandhill project had not been approved through 2/1/22. City staff periodically furnish the City Council with a "Community Development Report" that lists the status of ongoing development projects. Such reports were submitted to the City Council at its meetings on 12/7/21, 1/4/22 and 2/1/22.

All 3 of these reports – including the report prepared for the 2/1/22 City Council meeting – listed the Sandhill project as "Under Review" (Please see the attached "Carson Community Development Projects 2-1-2022." The Sandhill project is the very first project at the top of Page 4).

It is clear that these reports are constantly updated. In the report prepared for the 2/1/22 meeting, projects were added to the list (in red text) that did not appear in the 1/4/22 report. A number of projects had their status altered (in blue text). For example, the 2/1/22 report shows that the Carson 2040 General Plan Update was previously listed as "Under Review" but that text was replaced with "Scheduled for 2/1/22 City Council." The Rascals Teriyaki Grill was also previously listed as "Under Review" but that text was crossed out and replaced with "Planning Commission 1/25/22." These edits indicate that this report was being updated through late January and yet the Sandhill project, if it was approved on 1/12/22, was still listed as "Under Review."

The Sandhill project never received any sort of public hearing, so it was not obvious when the project was approved. Despite this, I made numerous, documented, efforts to obtain this information from the sole city planner assigned to the project. I was erroneously informed as recently as 1/26/22 that the project had not been approved. Had I been given the correct information on that date; I would have been able to submit a timely appeal. In addition, official city reports listing development projects that had not received approvals, listed the Sandhill project as "Under Review" as late as February 1, 2022. Because I relied on the information provided to me by city planning staff and official city reports that indicated the Sandhill project had not been approved until 1/27/22, I believe that my appeal should be considered timely and the city is estopped from claiming this appeal is untimely due to its actions here.

Appellants reserve the right to supplement this appeal at future hearings.

ENCLOSURE: Comment Letter from Victor Mineros.

Reply all Delete ⊘ Junk Block :

Re: Project at old General Mills site (1055 E Sandhill Avenue)

More actio



To: kpompey@carsonca.gov

developments related to this project. Thank you. Dear Ms. Pompey: I am following up again to inquire if this project has been approved. I would like to be added to any list, if one exists, of people to be notified of any changes or

Andy Lee (213) 442-9233

Sent from my iPhone

On Feb 4, 2022, at 4:56 PM, Andy Lee <alee@teamster.org > wrote:

Dear Ms. Pompey: I received your 1/26 voicemail that the project at 1055 E Sandhill Avenue had not been approved yet. Has it been approved since then? Thank you.

Andy Lee (213) 442-9233

Sent from my iPhone

On Jan 25, 2022, at 2:45 PM, Andy Lee <alee@teamster.org> wrote:

Dear Ms. Pompey,

Please let me know the status of the project at 1055 E Sandhill. Has it been approved yet? Thank you





COMMUNITY DEVELOPMENT PROJECT STATUS REPORT

Name	Type	Description	Status
Imperial Avalon Specific Plan	Private Development	Imperial Avalon Specific Plan by Faring on 27.31 acres, 1,213 dwelling units (653 nonage-restricted multi-family units plus 180 age-restricted senior independent living units plus 380 townhouse units and two sit-down restaurants. The EIR and Specific Plan are currently being drafted.	Under Review
Kott property at Avalon and 213 th St.	Private Development	Previous potential developers have not reached an agreement with the property owner. Staff has met with the new developer who is proposing a mixed use development with approximately 1,300 units and two restaurant spaces. A development application has not been submitted.	On-Hold
The District Specific Plan Amendment Carson Goose Owner LLC	Private Development	The developer, Carson Goose Owner LLC, which was selected by the CRA Board through an RFP process, is proposing 1,567,090 sf of light industrial and 33,800 SQFT of restaurant/retail space on Planning Area 3 (cells 3, 4 and 5.) The site also includes a 22,740 sf dog park, a 3,343 sf performance pavilion, 25,400 sf children's plan area, 19,400 sf botanic garden, a 19,490 sf bioretention garden, a 1,800 sf beer garden, a 2,975 sf sculpture garden, a 4,425 sf water feature and iconic element, a 35,210 sf flex event lawn area, 50,774 sf of planted open spaces, and 52,159 sf of planted buffer areas for a total of 273,906 sf (6.29 acres) of programmed spaces, and open space / amenity areas. There is also a 0.62-acre linear park to the west of the light industrial uses. The total site area is 96 gross acres (85.55 net acres.) The developer has filed for the following applications: Development Agreement, General Plan Amendment, Specific Plan Amendment, Site Plan and Design Review, General Plan Amendment, Noise Variance and Tentative Parcel Map. Staff has initiated the CEQA process for the project along with the specific plan amendment. DEIR 45-day public review period has concluded and response to comments are being prepared.	Under Review

Name	Type	Description	Status
Olson Company	Private Development	520 E. 228 th St., (Currently: Carson Baptist Church) 32 market rate attached townhouse condominiums consisting of multiple three-story buildings with at grade 2 car garages, associated open space, guest parking and private interior road.	
304 Kenmore Avenue, LLC	Private Development	454 E. Sepulveda Blvd., (Currently: The Rendezvous Grill & Cocktail Lounge) 6 attached condominiums consisting of two separate buildings with 5 market rate and 1 affordable unit, at grade 2 car garages, guest parking and private driveway.	Under Review
Rand	Private Development	Specific Plan, 225 W. Torrance Blvd., 356 apartment units.	Withdrawn
Kim Family Trust	Private Development	21240-50 Main St., (Currently: Empty lot) 19-unit market rate apartment consisting of two separate three-story buildings, at grade parking with associated common and private open space.	Under Review
Santiago De Leon	Private Development	20926 Jamison St., (Currently: Single Family Residence) 2 single family residences with associated at grade parking, common and private open space.	Under Review
Ken S. Chea Trust	Private Development	21530 Martin St., (Currently: Single Family Residence) 4-unit residential subdivision.	Under Review
Golden State Alliance, LLC	Private Development	138 W. 223rd St., (Currently: Single Family Residence) 12 attached condominiums consisting of two separate buildings with all market rate units, at grade 2 car garages, guest parking and private driveway.	Under Review
Comfort Properties, LLC	Private Development	140 W 223 rd , (Currently: Single Family Residence) 2 detached single family residences, each on their own subdivided lot with associated at grade parking common and private open space.	Under Review
	Private Development	860 E Carson St., Starbucks Coffee Shop with drive-thru, indoor and outdoor seating and associated parking and enhancements to the entire center.	Planning Commission - approved on 11-09- 21
In-n-Out	Private Development	20700 Avalon Blvd., In-n-Out Restaurant with drive-thru, indoor and outdoor seating and associated parking.	Under Review
Chevron	Private Development	17453-55 Central Ave., New self-service car wash and diesel fuel island for large-body trucks to existing Chevron/McDonalds.	Under Review

Name	Туре	Description	Status +
Rascals Teriyaki Grill	Private Development	205 E. Carson St., New Rascals Teriyaki Grill with indoor and outdoor seating and associated parking.	Under ReviewPlanning Commission 1/25/22
Faring Capitol	Private Development	21611 S. Perry St., (Currently: Empty lot) Self storage facility comprised of approximately 120,000 square feet in a mix of one and two-story buildings and a 5,000 square foot retail component.	
Carson Main Street LLC	Private Development	20601 S. Main St. (Formerly: KL Fenix), three industrial buildings comprised of approximately 256,000 square feet including 137,000 square feet of warehouse, 92,000 square feet of manufacturing, 23,000 square feet of office, and 4,000 square-foot retail pad with 419 parking spaces, 18 dock doors, 6 at grade doors, and 3 trailer stalls.	
First Industrial Realty Trust	Private Development	S. 18001 Main Street, (Currently: Gasket Manufacturing Company, Inc.) one industrial building comprised of approximately 60,000 square feet including 52,000 square feet of warehouse, 7,500 square feet of office space with 40 parking stalls and 8 dock doors.	33-36-46M 1 503-48-5004
Centerpoint Properties Trust	Private Development	16627 S. Avalon Blvd., (Currently: Durham School Services) one industrial building comprised of approximately 122,000 square feet including 114,000 square feet of warehouse, 5,000 square feet of office, 2,500 square feet of mezzanine with 107 parking stalls and 24 dock doors.	Under Review
SSH Holdings, LLC	Private Development	18501 S. Main St., (Currently: Private storage) one industrial building comprised of approximately 34,000 square feet including 27,615 square feet of warehouse, 3,680 square feet of office, 2,500 square feet of mezzanine with 46 parking stalls and 5 dock doors.	Under Review
Watson Land	Private Development	2277 E. 220th St., demolish existing two- story office buildings to construct a new Class A light industrial building. The new project is 74,060 sf with 72 onsite parking stalls.	Under Review
USPS/ Prologis	Private Development	24760 Main St., Permit trucking activities (existing building) within 100 feet from residential properties.	Under Review

Name	Туре	Description	Status
Rexford Industrial, LLC	Private Development	1055 E. Sandhill Ave, (Formerly: General Mills) one industrial building comprised of approximately 126,000 square feet including 122,757 square feet of warehouse, 3,256 square feet of mezzanine with 130 parking stalls, 20 dock doors, and 2 grade level doors.	
LiT 9 th St. 224rd Carson LP	Private Development	2104 E. 223 rd St., (Formerly: Poly One Corporation) one industrial building comprised of approximately 130,000 square feet including 124,324 square feet of warehouse, 5,000 square feet of office, 5,000 square feet of mezzanine with 122 parking stalls and 15 dock doors.	en annemaries o men annihilato.
BSREP III Dominguez, LLC	Private Development	2001 E. Dominguez St., (Formerly: Western Tube & Conduit Corporation) one industrial building comprised of approximately 424,000 square feet including 408,990 square feet of warehouse, 15,000 square feet of office with 283 parking stalls, 136 trailer parking stalls and 68 dock doors.	
City of Carson	City Initiated Project	Zoning Ordinance: Various amendments including prohibition of storage of hazardous materials, refinement of residential development standards and updating of industrial standards for trucking and container usage.	Under Review
City of Carson	City Initiated Project	State mandated Accessory Dwelling Unit (ADU) Ordinance	Under Review
California Water Service Group	Private Development (California Water)	21718 S. Alameda St., California Water has completed construction of a new groundwater production well to provided potable water to the public. Water quality of a new well has been established and has provided design parameters for the future onsite improvements. A new building will be used to house the well appurtenances, electrical, controls and pumping equipment. The preliminary building will be approximately 1,000 square feet.	Under Review
City of Carson	City Initiated Project	Carson 2040 General Plan Update, the Housing Element update will be presented to the Planning Commission in January and to the City Council in February to meet the state mandated deadlines.	Under ReviewScheduled fo 2/1/22 City Council
WIN Chevrolet	Private Development	Billboard, 2201 E 223rd Street.	Approved by City Council.

Name	Type	Description	Status +
LGL 18700 Broadway, LLC	Private Development	18700 Broadway St., Voltage Source Inverter (VSI)-Battery based Energy Storage System (BESS). A Battery Energy Storage System (BESS) is a technology developed for storing electric charge by using specially developed batteries. The underlying idea being that such stored energy can be utilized at a later time.,.	Under Review
Stan Lucas	Private Development	747 E 223rd St., CUP 1085-18 -Ambulance facility and medical equipment storage.	Under Review
City of Carson	City Initiated Project	Administration of the CDBG Program (Neighborhood Pride Program, Public Service Providers, Commercial Façade Program, Business Assistance Program, Rental Assistance Program, etc.)	On-going
City of Carson	City Initiated Project	Continued the development of the Carson Enhanced Infrastructure Plan (EIFD).	On-going
City of Carson	City Initiated Project	Mobile Home Park Zoning	Under Review to be presented to Planning Commission and City Coucnil and after the adoption of the General Plan
City of Carson	City Initiated Project	Short Term Rentals	Under Review
City of Carson	City Initiated Project	Economic Development Strategic Plan	Consultant has been selected and staff. will discuss the matter with the The consultant made a presentation to the Economic Development Commission in January received a favorable response. before presenting the The contract and the scope of work are being finalized are tentatively scheduled for either to the City Councilthe February 15th or March 127.31 acres, 1,213 dwelling units City Council meeting.
City of Carson	City Initiated Project	Variety of housing related ordinances, such as Below Market Rent (establishment of fees to assist in increasing affordable	meeting.

Name	Type	Description	Status
		housing unit inventory), SB 9 (allows up to 4 units per existing legal lot or allows lot split for existing legal lots to allow 2 units per lot for a total of 4 units), SB330 (a requirement to replace housing units that are demolished)	
Maupin Development	Private Development	35 Townhomes – two floors over parking: 29 units/3 bedrooms; 6 units/2 bedrooms with common and private open space.	<u>Under Review</u>
<u>Maupin</u> <u>Development</u>	Private Development	50 Townhomes – two floors over parking: all 3 bedrooms/2 baths with common and private opens space.	Under Review



Teamsters Local Union No. 396 Package and General Utility Drivers

Affiliated with the

INTERNATIONAL BROTHERHOOD OF TEAMSTERS

Carson Planning Commission City of Carson 701 East Carson Street Carson, California 90745

Re:

Site Plan and Design Review (DOR) No. 1865-21

Property Involved: 2104 E 223rd Street

Applicant: Herdman Architecture + Design, 16201 Scientific Way Irvine, CA 92618 Property Owner: LIT 9th Street 223rd LLP, P.O. Box 3388 Manhattan Beach, 90266

Request: Consider approval of Site Plan and Design Review No. 1865-21 for a proposed tilt-up warehouse.

Dear Chairperson Thomas and other members of the Planning Commission:

These comments are being submitted on behalf of Teamsters Local 396 for the Planning Commission hearing concerning the warehouse project at the site of the Poly One Corporation plant. We reserve the right to clarify and supplement these comments as permitted by law and do not waive any issue or matter omitted herein as a result of error or omission by the City of Carson or the Applicant(s), to the extent permitted by law.

Teamsters Local 396 represents delivery, sanitation, logistics, recycling and other workers in Los Angeles County. Our members live and work in Carson and other parts of Los Angeles County. As residents, they may be adversely affected by the potential traffic, air quality, noise, public health, and other impacts caused by the project.

We urge the Planning Commission to refrain from approving this project unless and until community members have greater ability to weigh in on the project, which should include CEQA review among other things.

Basic Description:

The Planning Commission staff report describes the project:

The applicant, Herman Architecture and Design on behalf of LIT 9th Street 223rd LLP, requests approval of DOR No. 1865-21 to demolish a former chemical manufacturing facility and associated ancillary structures and construct a new 124,324 square foot tiltup warehouse building with 5,000 square feet of ground floor office space, an additional 5,000 square feet of mezzanine office space, 15 truck loading docks and surface parking.

The Planning Commission hearing is currently the only approval needed for this project, which involves demolition of a long-time chemical plant. It merits greater scrutiny than this. The need is especially resonant given the warehouse incident late last year, that led to the foul order in the Dominguez Channel.¹ That warehouse is owned by ProLogis, a major developer of Amazon "last mile" delivery stations.²

Planning Department staff have indicated that there is currently no known end user or tenant for the warehouse. Despite this, it seems likely that the project will be an Amazon last mile delivery station:

stench.html#:~:text=A%20foul%20stench%20that%20nauseated,air%20pollution%20agency%20has%20found.

¹ https://www.nytimes.com/2021/12/05/us/carson-california-warehouse-fire-

² https://www.washingtonpost.com/nation/2021/12/06/carson-warehouse-fire-likely-caused-putrid-smell-la-county/

ProLogis owns the warehouse partially in its own name and partially through subsidiary Liberty Properties Limited Partnership.

- The project exactly fits the parameters of a typical Amazon last mile delivery station (approximately 120,000 sq. ft. of warehouse space, located within a densely populated urban area, etc.).
- Amazon is now the largest single developer of warehouses and logistics facilities in the United States. From 2014 to the first half of 2021, the number of last mile delivery stations grew from just 8 to almost 450. Amazon plans to open at least another 250 last mile delivery stations in the U.S. over the next 2 years. The company reportedly plans to open at least 1,500 last mile delivery stations.³
- One of the applicants Herdman Architecture + Design has worked on multiple projects with ProLogis and Duke Realty who have developed Amazon last mile facilities.

The likelihood that this project will be an Amazon last mile delivery station is significant: last mile facilities generate significantly more traffic and other impacts than other warehouse types. The nature of last mile facilities – which are the starting point of hundreds of daily deliveries into surrounding communities – also means that such impacts travel far beyond the actual facility site.

This Project is Covered by CEQA:

This project seems like one that warrants CEQA review, especially considering references within the Planning Commission staff report to the Department of Toxic Substances and Control, and Phase I and Phase II Environmental Site Assessment Investigations. However, the Planning Commission staff report argues that it is exempt from CEQA:

VII. Environmental Review Design related issues such as those found in Site Plan and Design Review (DOR) No. 1365-21 have been found to be outside CEQA, as it is common sense that design related issues do not relate to the potential for whether a project causes a significant effect on the environment. (McCorkle Eastside Neighborhood Group v. City of St. Helena, 31 Cal.App.5th 80 (2018)). Toward that end, the City cannot impose conditions of approval that constitute environmental impact mitigation measures exceeding the scope of design review for Site Plan and Design Review (DOR) No. 1865-21.

The decision to exempt this project from CEQA relies on a court case – McCorkle Eastside Neighborhood Group v. City of St. Helena. According to Planning Department staff, the City Attorney (relying on the McCorkle case) has decided that projects based solely on site design are no longer covered by CEQA and will be handled administratively (ie., by staff). Previously, any development project in Carson with site plan and design review was considered covered by CEQA.

This decision is wrong. Private development projects are covered by CEQA when they are "discretionary." They are exempted from CEQA when they are "ministerial." This project – and Carson's site design and review process – is clearly discretionary rather than ministerial:

"CEQA applies to discretionary projects undertaken by private parties. A discretionary project is one that requires the exercise of judgement or deliberation by a public agency in determining whether the project will be approved, or if a permit will be issued. Some common discretionary decisions include placing conditions on the issuance of a permit [Emphasis Added], delaying demolition to explore alternatives, or reviewing the design of a proposed project [Emphasis Added]."

"CECA does not apply to ministerial projects. A ministerial project is one that requires only conformance with a fixed standard or objective measurement and requires little or no personal judgement by a public official as to the wisdom or manner of carrying out the project. Generally ministerial permits require a public official to determine only that the project conforms with applicable zoning and building code requirements and that applicable fees have been paid. Some examples of projects that are generally ministerial include roof replacements, interior alterations to residences, and landscaping changes."6

In short, a project is ministerial when there is no judgment, but rather only a review to ensure conformity to standards. Review of design elements are rarely considered ministerial, because there is an "editorial eye" that is applied. In fact, one court case expressly describes site plan review as discretionary (Long Beach Sav. & Loan Ass'n v. Long Beach Redevelopment Agency (1986) 188 Cal. App. 3d 249, 263 n.13).

https://www.freightwaves.com/news/amazon-to-blanket-the-burbs-with-lots-of-delivery-stations

⁴ City of Los Angeles Planning Department, https://planning.lacity.org/development-services/environmental-review

⁵ https://ohp.parks.ca.gov/?page id=21723#:~:text=CEQA%20does%20not%20apply%20to,of%20carrying%20out%20the%20project

⁶ https://ohp.parks.ca.gov/?page id=21723#:~:text=CEQA%20does%20not%20apply%20to,of%20carrying%20out%20the%20project

The site plan & design review provision in the Carson Municipal Code requires the Planning Commission to make findings, and the code defines site plan/design review as falling under "Administrative/Quasi-Judicial" processes. Although administrative procedures can be ministerial, quasi-judicial processes almost by definition cannot be, because the "quasi-judicial" part is that the city applies its judgment to the facts of the matter. The "Site Plan and Design Review" section of the Carson Municipal Code⁷ clearly indicates that the City applies judgement during the process:

- D. Approving Authority Findings and Decision.
- 1. After the public hearing, the Commission shall, by resolution, render its decision. The Commission shall approve a Development Plan if it is able to make affirmative findings [Emphasis Added] based on the following criteria:
- a. Compatibility with the General Plan, any specific plans for the area, and surrounding uses.
- b. Compatibility of architecture and design with existing and anticipated development in the vicinity, including the aspects of site planning, land coverage, landscaping, appearance and scale of structures and open spaces, and other features relative to a harmonious and attractive development of the area.
- c. Convenience and safety of circulation for pedestrians and vehicles.
- d. Attractiveness, effectiveness and restraint in signing graphics and color.
- e. Development scheduling (if phased development) which will satisfy the above criteria in each phase.
- f. Conformance to any applicable design standards and guidelines which have been adopted pursuant to $\mathsf{CMC} \, \underline{\mathsf{9172.15}}$. Such design standards and guidelines may be generally applicable or may specify different requirements for different areas.

When a city can apply substantive conditions to a project, it is generally considered discretionary rather than ministerial as mentioned previously. The Carson Municipal Code section on "Site Plan and Design Review" states that "If... the approving authority finds that the criteria of subsection (D)(1) of this subsection are adequately met, or can be met if specified conditions are observed, the Development Plan shall be approved, subject to such specified conditions."

Exhibit B of the Planning Commission staff report ("CONDITIONS OF APPROVAL DESIGN OVERLAY REVIEW NO. 1865-21") is an 8-page document with 77 conditions imposed by the City on this project, dealing with a number of issues ranging from fees, aesthetics, fences/walls, landscape/irrigation, lighting, parking/traffic, trash, utilities, building and safety, fire department, engineering services department, and licensing. Given the City's clear ability to impose conditions, this process is discretionary rather than ministerial and is therefore covered by CEQA.

<u>Unique Impacts of Last Mile Delivery Stations:</u>

In preparation for the upcoming Planning Commission hearing, the City of Carson only notified property owners and residents within 750 feet of the facility, but a last mile facility has impacts that go far beyond its immediate vicinity.

In the possible and even likely event that this project will be a last mile delivery station, traffic, noise and pollution impacts will be particularly acute because they will be spread by delivery vehicles that will travel through residential neighborhoods, bringing congestion, noise and pollutants closer to children, seniors and other "sensitive receptors." Delivery to consumers in neighborhoods means that trucks will be driving slowly and idling near homes, making frequent stops and starts, and otherwise emitting greenhouse gases and other particulates not only at the warehouse, but consistently throughout the day in residential areas that are otherwise not zoned to account for such emissions. Currently, however, there is no accounting for the wider impacts inherent in last mile facilities.

Urban planner Daniel Flaming, president of the Economic Roundtable, a Los Angeles-based research non-profit that provides transparent, data-driven policy analysis, notes that last mile facilities have several negative impacts when situated near residential areas: "It would be horrific if you owned a home next to one of these distribution centers. All those loaded trucks have significant road wear issues as well as congestion issues, noise issues and pollution issues."

Traffic Impacts:

https://www.codepublishing.com/CA/Carson/#!/Carson09/Carson09010702.html#9172.23

⁸ Southland logistics; Amazon shifting to the fast lane. Redlands 6 U.S. Census Bureau. Time Series of California Intercensal Population Estimates by County: April 1, 1990 to April 1, 2000.

Amazon facilities are known to generate traffic problems, leading to congestion and back-ups onto nearby streets, increasing the potential for accidents and contributing to road wear. This was illustrated in 2019-2020 at an Amazon last mile delivery station in Thousand Oaks:

In late March, officials in Thousand Oaks scrutinized Amazon's fleet of delivery vans on local roadways after local residents complained about traffic congestion. Acrimony revolved around a bottleneck of vehicles trying to enter Rexford Industrial-owned Conejo Spectrum Business Park in Newbury Park -- where Amazon established a presence in 2018 when it transformed a 55,000-square-foot warehouse at 2405 Conejo Spectrum St. into an Amazon Prime distribution center. According to Thousand Oaks Code Compliance Manager Geoff Ware, who led an investigation of Amazon's driving practices since the first complaint was filed in October, the backup has worsened in the past few months "with the numeric value and types of traffic patterns involved with the Amazon location.... It was just an overload of vehicles trying to access the site."

The "Transportation Assessment for the 223rd Street Warehouse Project" memorandum dated Nov. 8, 2021 ("assessment") does not adequately address potential traffic issues given the possibility that this facility may become a last mile delivery station.

The site is planned for a "tiltup warehouse" but the particular nature of this use is not defined and the ultimate tenant or end user is unknown. Despite this uncertainty, the assessment is based on an assumption that the Institute for Transportation Engineers (ITE) Trip Generation Manual Land Use Code 150 will be applicable. Land Use Code 150 is used as the basis of calculating "Project Trip Generation" estimates detailed in Table 1 of the assessment.

Land Use Code 150 is for a traditional warehouse use, i.e., a place where packages are stored for wholesale distribution or for distribution to producers or manufacturers. This is specifically a "long-term storage" facility, according to the ITE manual. The project's zoning designation and project description, however, allow for uses far broader than the specific use associated with Land Use Code 150.

This is a significant distinction, because of the vast disparity between warehouse/distribution uses in the ITE Trip Generation. Wanual itself. The trip-per-unit figure for Code 150 warehouses is 0.19; the trip-per-unit figures for distribution-focused warehouses (such as last mile delivery stations), i.e., Codes 155 and 156 are 1.37 and 0.64 respectively. Codes 155 and 156 represent significantly higher trip generation characteristics respectively of 7+ times larger than Code 150 and 3+ times larger than Code 150. Since these uses are clearly permitted by this project's zoning designation, the traffic impact calculations are inadequate if this project will ultimately be a last mile delivery station.

The Planning Commission, by approving the project, would be allowing a range of "distribution plants and warehouses," including those that fall under Land Use Codes 155 and 156 of the ITE manual. This includes last mile delivery stations that generate far more traffic than traditional warehouses, and traffic of a particular type: vehicle trips into residential areas to make deliveries.

Last mile delivery stations and distribution centers are more often evaluated as "high-cube" warehouses with significantly higher trip generation characteristics. Importantly, even ITE Land Use Codes 155 and 156 are not typically treated as adequate, because of the unique nature of these e-commerce facilities. In other California localities, e-commerce applicants have conducted bespoke studies based on existing facilities in order to provide CEQA-compliant data for purposes of transportation analysis.

The assessment uses the lowest-level of traffic generation to justify an approval that would allow a significantly more intense type of use. This is precisely what responsible planning should not do. The City of Carson needs to study the full range of allowed uses, or, alternatively, condition approvals to allow only those uses that were actually studied.

Parking Impacts:

⁹ "SPACE FOR E-COMMERCE: With the coronavirus crisis encouraging online shopping, companies from Amazon.com to local businesses are in the market for warehouses (REAL ESTATE QUARTERLY: SPECIAL REPORT)," San Fernando Valley Business Journal, April 27, 2020.

The Planning Commission staff report argues that the project has adequate parking:

The proposed development will have adequate street access for pedestrian and vehicles, and also adequate capacity for parking and traffic... Carson Municipal Code Section 9162.21 (Parking Spaces Required) requires 1 parking space for every 1,500 square-feet of gross floor area for warehouse purposes and 1 space for every 300 square feet of office space. Carson Municipal Code Section 9162.24 (Automobile Parking Spaces requires for Mixed Uses) states that office space incidental to warehouse or other industrial uses shall have its required parking spaces computed at the same ratio as the industrial use, provided the office space does not exceed ten percent of the total gross floor area... The applicant proposes 128 parking spaces...

This amount of parking appears to be calculated using the requirements for a traditional warehouse. Last mile delivery stations, however, generate far more traffic than traditional warehouses and require more parking. In fact, parking problems at Amazon facilities have been well documented:

- Insufficient parking spaces and the high volume of last mile delivery vans force workers servicing them to look for parking offsite, taking parking spaces that would otherwise be used by local residents.¹⁰ Teamsters Union members and staff have observed these problems at numerous Amazon facilities.
- The need to park offsite has led to conflicts with workers servicing Amazon warehouses:
 - Several lawsuits filed against Amazon's subcontracted van companies that list Amazon as a joint employer have previously alleged violations of wage & hour laws because they were required to park and pick up their delivery vehicles offsite but Amazon did not compensate them for the time spent traveling from their offsite parking locations to their workplaces.
 - The issue was a central grievance that led to a 2019 walkout of workers in an Amazon warehouse in Minnesota. 11

Despite these problems, the proposed project will only include 128 parking spaces – or 1 space per every 969 sq. ft. This stands in contrast to other Amazon last mile projects currently under development:

PROJECTICOATION	SPACE PER SQ FT	PARKING SPACES	SQUARE FOOTAGE
Peabody, MA	1 space per 155 sq ft	1,181	183,000
Westbury, NY	1 space per 169 sq ft	237	40,113
Smithtown, NY	1 space per 207 sq ft	309	64,000
Garden Ciry, MY	1 space per 583 sq ft	175	102,091
Carson, CA	1 space per 969 sq ft	128	124,000

The Approval Process Has Provided Little Opportunity for Meaningful Public Input:

The process for this project has given members of the public little opportunity to participate:

- Notice of the hearing was sent out on January 13, 2022, but only to property owners and residents within 750 feet of the site, even though this project may have impacts far beyond that area.
- The draft resolution approving this project notes that "studies and investigations were made" yet no information on them has been made available to the public.
- The Planning Department devotes 2 sections of its website to publicizing development projects "under review":
 - A section called "What's Happening in Development" lists "Projects Under Review" but does not list this
 project.¹²
 - The website also has an "Interactive map of new developments" that does not include this project. 13
 - Soth of these website features list many other projects, including the "proposed Rascals Teriyaki Grill restaurant (Site Plan and Design Review No. 1802-19, and Variance Nos. 567-19, 571-21, 572-21, and 573-22)" which also has a Planning Commission hearing on the same date as this warehouse project.
- The process has been exempted from CEQA, denying the public a robust opportunity to weigh in with concerns.

¹⁰ "Online Spending to Hit a New Record," CBS News Transcript, December 2, 2019.

^{11 &}quot;News Watch," Labor Notes, September 1, 2019.

¹² https://ci.carson.ca.us/CommunityDevelopment/planningprojects.aspx

https://experience.arcgis.com/experience/7b75252d9fc54c5a90db8f13357b9211

This Project May Not Create Good Jobs:

A prime reason for supporting projects such as this one is the prospect of jobs for local residents. Carson City officials, however, may be disappointed in the type of jobs created, if this is an Amazon facility:

Negative impact on Wages:

- According to Bureau of Labor Statistics data for 68 counties where a large Amazon facility was opened, the average compensation for the industry declined more than 6% in the two years after opening.¹⁴
- A U.S. Government Accountability Office report from October 2020¹⁵ cited in several articles found that in the 9 states covered, more than 4,000 Amazon employees receive SNAP food assistance.
- Pre-pandemic research found that warehouse workers in areas with an Amazon facility earned about 10% less than similar workers elsewhere.¹⁶

Injury Rates Associated with Amazon Facilities:

- OSHA data for 2020 shows that the serious injury rate at Amazon warehouses meaning workers were hurt badly enough to miss work or be placed on light duty – was almost 80% higher than the entire warehousing industry at 5.9 serious injuries for every 100 Amazon workers.^{17 18}
- Despite touting millions spent on safety, internal data show that Amazon leaders went to great lengths to hide an ongoing, and worsening, safety crisis at company warehouses across the U.S.¹⁹

Amazon Employment Churn: Data shows that when Amazon moves into a county, turnover rates for the entire county skyrocket – in just 2 years, a new Amazon facility increases the turnover rate for warehousing and storage employees an average of 30%. ²⁰ In California, researchers found that the average turnover rate in "Amazon" counties for warehouse workers more than doubled in the years between 2011 and 2017, from 38.1% to 100.9%. ²¹

Conclusion:

For the foregoing reasons, we respectfully request that the Carson Planning Commission refrain from approving the project unless and until the community is allowed greater input into the project, and it goes through the CEQA process.

Sincerely,

Victor Mineros

Vm S

Director of Organizing Teamsters Local 396

¹⁴ Bloomberg. <u>Amazon Has Turned a Middle-Class Warehouse Job into a McCareer</u>. December 2020.

¹⁵ U.S. Government Accountability Office Report to the Ranking Member, Committee on the Budget, U.S. Senate. FEDERAL SOCIAL SAFETY NET PROGRAMS: Millions of Full-Time Workers Rely on Federal Health Care and Food Assistance Program. https://www.gao.gov/assets/gao-21-45.pdf. October 2020.

¹⁶ The Economist. What Amazon does to wages. January 2018.

¹⁷ The Washington Post. Amazon warehouse workers suffer serious injuries at higher rates than other firms. June 2021.

¹⁸ Strategic Organizing Center. Primed for Pain: Amazon's Epidemic of Workplace Injuries. May 2021.

¹⁹ Reveal. How Amazon Hid its Safety Crisis. September 2020.

²⁰ The New York Times. Inside Amazon's Employment Machine. June 2021.

²¹ National Employment Law Project. <u>Amazon's Disposable Workers: High Injury and Turnover Rates at Fulfillment Centers in California</u>. March 2020.

AGREEMENT ACCEPTING CONDITIONS CITY OF CARSON PLANNING DIVISION

The city of Carson Planning Division, conditionally approved your request for Site Plan and Design Review 1831-20, subject to the conditions of approval. For and in consideration of the grant by the city of Carson Planning Division, I (we), the undersigned do(es), hereby agree to all conditions set forth in the Conditions of Approval. The Conditions of Approval of the discretionary permit(s) govern the use and/or development of the property identified and described below.

Address:

1055 E. Sandhill Avenue

Description: Consider Approval of Site Plan and Design Review 1831-20, to permit a new 126,0138 square foot, tilt-up warehouse building with included 6,512 mezzanine

office space with surface parking: including 20 truck loading docks and 2

truck/forklift doors.

Applicant/Property Owner(s): Rexford Industrial, LLC.

Attn: RJ Rieves

11620 Wilshire Blvd., 10th Floor

Los Angeles, CA 90025

This agreement shall run with the land and shall bind upon property owner, its successors and assigns, and any future owners, encumbrancers and their successors or assigns, and shall continue in effect until otherwise released by the authority of the relevant agency of the city of Carson or until such time as the Municipal Code of the City of Carson unconditionally permits the release of this Notice of Agreement.

CITY OF CARSON

By: Kaneca Pompey, Assistant Planner Date: January 24, 2022	-	
Dated this day of, By:	2022	Dated this 26thday of January, 2022 By: Carlos Serra
Applicant (Type or Print)		Property Owner (Type or Print)
		Carlos Surra
Applicant (Signature)		Property Owner (Signature)