



# CITY OF CARSON

## PLANNING COMMISSION STAFF REPORT

**PUBLIC HEARING:** June 27, 2006

**SUBJECT:** Modification to Conditional Use Permit No. 383-91,  
Exhibit "B" Condition of Approval No. 5

**APPLICANT:** Michael A. Detlefsen  
18300 South Figueroa Street  
Carson, CA 90248

**REQUEST:** Modification to a Conditional Use Permit to allow the addition of a new crematory/incinerator at an existing pet cemetery and crematory in the MH (Manufacturing, Heavy) zone and within Redevelopment Project Area No. 1.

**PROPERTY INVOLVED:** An irregularly shaped parcel 3.01 acres in size, located at the east side of Figueroa Street, between Albertoni and Victoria Streets, specifically 18300 South Figueroa Street, as shown on the attached land use map.

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### COMMISSION ACTION

Concurred with staff  
 Did not concur with staff  
 Other

### COMMISSIONERS' VOTE

AYE	NO		AYE	NO	
		<b>Cottrell – Chairman</b>			<b>Saenz</b>
		<b>Pulido – Vice-Chairman</b>			<b>Tyus</b>
		<b>Faletogo</b>			<b>Verrett</b>
		<b>Graber</b>			<b>Wilson</b>
		<b>Hudson</b>			

***Item No. 11D***

## I. Introduction

On July 23, 1991, the applicant, Michael A. Detlefsen of Pet Haven Cemetery & Crematory received approval from the Planning Commission for Conditional Use Permit No. 383-91 for the operation of a pet cemetery and crematorium located at 18300 South Figueroa Street.

Currently, the applicant is requesting a modification to Conditional Use Permit (CUP) No. 383-91, Exhibit "B" Condition of Approval, No. 5 from the requirement "that only one (1) animal shall be cremated at one time." The applicant is requesting the modification to allow for the construction, maintenance and operation of a new incinerator/crematorium to be located within close proximity (approximately three (3) feet) of the existing crematorium/incinerator. Although the existing incinerator is highly functional, the applicant would like to replace the existing incinerator/crematorium with a new incinerator unit, thereby, utilizing the existing incinerator as a back-up unit. In order to have the flexibility to utilize both crematoriums one at a time, the modification to the approved CUP No. 383-91, Exhibit "B" approval of condition No. 5 is warranted.

Currently, the crematory is regulated by the South Coast Air Quality Management District (AQMD), which regulates and conducts the inspections of the Pet Cemetery operations. Staff has been informed by AQMD that currently, the existing crematory meets all the requirements for controlling air pollution and a second incinerator/crematory will not have any significant negative impacts to the air quality. In addition, the County of Los Angeles Fire Department has reviewed the request for the operation of a second incinerator/crematory and has reported no objections to the request.

Below is the existing and proposed amended condition of approval for CUP No. 383-91, Exhibit "B" No. 5 as requested by the applicant.

- *Proposed Condition/Change:* Condition No. 5 should be revised to read:

*A total of two (2) crematoriums shall be permitted with operation of each unit limited to the cremation of one (1) animal at any given time. That only one (1) animal shall be cremated at one time.*

## II. Background

On November 16, 1948, the Los Angeles County Board of Supervisors granted Special Permit Case No. 572, which permitted the establishment, operation and maintenance of a pet cemetery and crematory on the subject property. After the City of Carson incorporated, it required pet cemeteries in an MH (Manufacturing, Heavy) zone to obtain a conditional use permit. Since Pet Haven Cemetery was established prior to the adoption of the Zoning Ordinance, it became a legal, non-conforming use.

Section 9182.22 of the Carson Municipal Code (CMC) provides such uses an amortization period of twenty (20) years, from the date the use became non-conforming, to either: 1) cease operation or 2) obtain the required conditional use permit. In the case of Pet Haven Cemetery, the amortization period ended on November 3, 1997. However, in January of 1986, Harold Hand (former owner of Pet Haven Cemetery) requested a building permit to construct a 1,600 square foot office/storage facility. According to Section 9182.02 of the CMC, no change of use, expansion, addition, alteration, improvement, etc., can be made in connection with any development or use which involves nonconformity unless certain criteria can be satisfied.

Based on Section 9182.02 of the CMC, staff determined that the applicant could not meet the required criteria to make requested improvements to the aforementioned property. On April 22, 1986, Resolution No. 86-898 for CUP No. 290-86 was approved with conditions, thereby, eliminating the non-conformity associated with the property. However, on November 22, 1988 a Minute Resolution was adopted deleting Condition No. 4 and Condition No. 5 of Resolution No. 86-898 which required the applicant to install an employee driveway off of South Figueroa Street, a gate with appropriate signs, and a truck turn-around. The Redevelopment Agency approved the CUP for the use of land as a pet cemetery to expire in May 1991, unless the CUP is extended by the Planning Commission.

In 1991, the Planning Commission approved CUP No. 383-91 for the continued use and operation of Pet Haven Cemetery & Crematory for the incineration of one animal at a time. In 1997, the Planning Commission approved Relocation Review No. 3035.39 authorizing a modular office unit to be placed on the property to the east of the existing office and crematory. Today, the current owners of Pet Haven Cemetery & Crematory, Mike and Cindy Detlefsen are requesting the modification of CUP No. 383-91 to allow the use and operation of a second crematorium with the existing crematorium as a secondary and substitute unit.

In 2004, the City Council approved the General Plan Update. The subject property and surrounding area was changed from Heavy Industrial to Light Industrial. The zoning of the subject property is currently MH (Manufacturing, Heavy) but will be changed to ML (Manufacturing, Light). Based upon the current requirements of the Carson Municipal Code, the pet cemetery and crematorium will be considered a legal, nonconforming use since the existing list of permitted uses in the ML zone district does not allow the pet cemetery use by right or with a conditional use permit. Staff will recommend an amendment to the Carson Municipal Code to allow for the continued operation of the pet cemetery as a conditionally permitted use in the ML zone district.

The addition of the second crematory is not seen by staff as an intensification of the current legal, nonconforming use. The structure and equipment will not significantly alter the appearance or operation of the pet cemetery and crematorium use. The

subject property is located adjacent to light industrial and office uses. Staff did not identify any significant compatibility issues associated with the installation of a new crematory. The property is dedicated for pet cemetery purposes as authorized by California Health and Safety Code Section 9700 - 9703. If the applicant proposes additional structures on said property, then the applicant would be required to seek further approval from the Planning Commission.

**III. Conclusion**

Staff believes that the proposed Modification No 1 to CUP No. 383-91 will allow for an appropriate use of the property consistent with existing and anticipated uses. The proposed crematory would not result in any significant impacts to the City's infrastructure or to generate any additional significant adverse environmental impacts.

**IV. Recommendation**

That the Planning Commission:

- **WAIVE** further reading and **ADOPT** Resolution No. \_\_\_\_\_, entitled "A Resolution of the Planning Commission of the City of Carson Approving Modification No. 1 to Conditional Use Permit No. 383-91."

**V. Exhibits**

1. Land Use Map
2. Draft Planning Commission Resolution for Modification No. 1
3. Planning Commission Resolution No. 91-1404
4. California Health and Safety Code Section 9700 – 9703.
5. Site Plan (under separate cover)

**Prepared by:** \_\_\_\_\_  
Mary V. Darby, Associate Planner

**Reviewed by:** \_\_\_\_\_  
John F. Signo, AICP, Acting Senior

Planner

**Approved by:** \_\_\_\_\_  
Sheri Repp Loadsman, Planning Manager