



CITY OF CARSON

PLANNING COMMISSION STAFF REPORT

CONTINUED PUBLIC HEARING: July 10, 2007
 SUBJECT: Design Overlay Review No. 989-07, Conditional Use Permit No. 657-07 and Conditional Use Permit No. 658-07

APPLICANT: ProLogis
 841 Apollo Street Ste. 350
 El Segundo, CA 90245

REQUEST: To construct a 273,870 square foot industrial building and development of a 9.5-acre surface parking lot for long haul truck transport trailers in the MH-D-ORL (Manufacturing, Heavy; Design Review; Organic Refuse Landfill) zone

PROPERTY INVOLVED: 2211-2307 E. Carson Street

COMMISSION ACTION

- Concurred with staff
- Did not concur with staff
- Other

COMMISSIONERS' VOTE

AYE	NO		AYE	NO	
		Chairperson Faletogo			Graber
		Vice Chair Hudson			Saenz
		Cannon			Verrett

I. Introduction

Date Application Received

- February 27, 2007: Design Overlay Review No. 989-07; Conditional Use Permit No. 657-07; Conditional Use Permit No. 658-07

Applicant / Property Owner Representative

- ProLogis - Frederick Schumacher; 841 Apollo St. Ste. 350; El Segundo, CA 90245

Property Owner

- ProLogis Exchange CA (7) LLC; 4545 Airport Way; Denver, CO 80239

Project Address

- 2211-2307 E. Carson Street

Project Description

- The proposed project is for the construction of a 273,870 square foot industrial building and development of a 9.5-acre surface parking lot for long haul truck transport trailers. The application includes:
 - Design Overlay Review No. 989-07 for architectural design;
 - Conditional Use Permit No. 657-07 for a truck yard; and
 - Conditional Use Permit No. 658-07 for development on property designated as ORL (Organic Refuse Landfill).
- Existing buildings and structures on the site will be demolished. The proposed building includes office space, 58 truck loading bays and 258 vehicle parking spaces. The project site is 21.6 acres located on the north side of Carson Street. The western property where the industrial building is proposed is in the MH-D (Manufacturing, Heavy – Design Overlay) zone. The eastern property where the truck parking lot is proposed is in the MH-D-ORL (Manufacturing, Heavy; Site Plan and Design Review; Organic Refuse Landfill) zone. The main entrance for the project is located on Carson Street.
- The site consists of two parcels – 2211-2241 E. Carson Street and 2303-2307 E. Carson Street.
- The site was acquired by ProLogis in December 2006. The truck trailer parking lot will be leased to NYK Logistics, a distribution company, located to the east.
- Remediation of the site will be subject to approval by the Department of Toxic Substances Control (DTSC).

II. Background

The item was continued from the June 12 and June 26, 2007 meetings in order for staff and the applicant to resolve issues regarding the landfill and future remediation and monitoring of the site.

Site History

The applicant's environmental consultant, Iris Environmental, has submitted a letter summarizing the environmental history of the site (Exhibit No. 2). In addition, staff has reviewed city records and has included previous permits and development on the site.

2211-2241 E. Carson Street

- The site has been used as a manufacturing facility since 1947. Operations ended at the aluminum smelting plant in March 2006 and closure of the facility was approved by the Los Angeles County Fire Department in November 2006. The applicant is currently demolishing the remaining structures on site.

According to Iris Environmental, multiple investigations of the site indicate that soil and groundwater have been impacted by prior manufacturing activities. In addition, preliminary review has indicated that methane and subsidence were not significant factors. The applicant has proposed a program to remediate the site which is currently under review by DTSC. Proposed corrective measures may include excavation of impacted soils and maintaining existing groundwater monitoring wells.

- Previous permits for the site include:
 - Special Permit Case No. 818 – Use permit to allow the operation of an aluminum smelting plant. Approved by Los Angeles County in 1952.
 - CUP No. 573-04 – An application for the smelting of aluminum for the production of aluminum coil products for Commonwealth Aluminum.
- A portion of the site has also been used as a cargo container storage and trucking facility.

2303-2307 E. Carson Street

- A gravel pit was excavated on the site and was used as landfill from approximately 1947 through 1961. Materials accepted primarily inert materials and wastes incident to oil well drilling operations and oil storage.

In 1993, the California Regional Water Quality Control Board (RWQCB) concluded that the site did not appear to be leaking hazardous wastes and that a monitoring system had been installed at the site. Currently, the former

landfill is inspected annually by the Los Angeles County Department of Health Services, Environmental Health Division. A soil and groundwater investigation was conducted by the applicant's environmental consultant, Iris Environmental, in 2006 and has been provided to DTSC for review.

- Previous permits for the site include:
 - Industrial Waste Permit No. 22 – Use permit to dispose of rotary mud and tank bottoms (derived from the storage of crude oil). Approved by Los Angeles County in 1947.
 - Conditional Use Permit No. 410-93, Design Overlay No. 578-93 – Use permit to allow operation of a cargo container and trucking facility. Approved by the City of Carson Planning Commission on September 28, 1993.
- In addition to a former landfill, the site has also been used as public truck scale. Currently the site is paved and a portion of the subject property is being used for truck trailer storage. Other portions of the property include a parking area and outdoor storage area.

The site was paved without obtaining permits to develop on an ORL (Organic Refuse Landfill)-designated site. The current truck trailer storage is illegal and the applicant has applied for a CUP for the proposed truck trailer storage.

Public Safety Issues

- There are no active code enforcement cases. In the event that this development plan is approved, through the conditions of approval many site development deficiencies and maintenance issues can be addressed to improve the general condition of the property.

III. Analysis

Existing Site Characteristics and Location

The 21.6-acre site is generally flat. Access to the site is by Carson Street to the south.

The subject property is located in the eastern part of the City. The property is located on the northern side of Carson Street, between Wilmington Avenue and Alameda Street, and north of the 405 freeway.

Building permits were approved for a smelting plant and a warehouse. Currently, the site is abandoned. The site includes abandoned structures, empty material storage yards, parking areas and landscaped areas. All existing structures have, or will be demolished prior to construction of the project.

Zoning and General Plan Designations

The project site is located in the MH-D and MH-D-ORL zones. The General Plan Designation for the properties is Heavy Industrial.

Surrounding uses include similar warehouse, manufacturing, and office buildings. The closest residential use is located approximately one-fourth mile to the east. NYK Logistics Distribution Center is located to the north and east of the site. A business park is located to the west and warehouse/distribution facilities are located to the south. Regional access is via the 710 Freeway to the east (less than 3/4-mile) and the 405 Freeway to the south (less than 1/2-mile).

Applicable Municipal Code Sections

The following table identifies the applicable sections of the Zoning Ordinance and whether the proposal complies. For those sections that are identified as “Non-Compliance” further discussions are contained in a subsequent section of this analysis:

Applicable Zoning Ordinance Sections	Compliance	Non-Compliance
Section 9141.1 – Uses Permitted		Subject to the requirements of Section 9148.9 for truck yards; subject to approval of a conditional use permit
Section 9141.12 – Uses Permitted on Organic Refuse Landfill Sites		Subject to approval of a conditional use permit by the Planning Commission and City Council;
Section 9146.23 – Front Yard	x	
Section 9146.3 – Fences, Walls and Hedges	x	
Section 9146.4 – Trash and Recycling Areas	x	
Section 9148.9 – Truck Terminal and Truck Yard Facilities		Subject to approval of a conditional use permit; See <i>Issues of Concern</i>
Section 9162.42 – Parking for the Disabled and Associated Signing and Ramping	x	

Required Findings: Site Plan and Design Review

Pursuant to Section 9172.23, Site Plan and Design Review, the Planning Commission may approve the proposal only if the following findings can be made in the affirmative:

- 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. Conformance to any applicable design standards and guidelines that have been adopted pursuant to Section 9172.15.

Required Findings: Conditional Use Permit

Pursuant to Section 9172.21, Conditional Use Permit, the Planning Commission may approve the proposal only if the following findings can be made in the affirmative:

- a. The proposed use and development will be consistent with the General Plan.
- b. The site is adequate in size, shape, topography, location, utilities, and other factors to accommodate the proposed use and development.
- c. There will be adequate street access and traffic capacity.
- d. There will be adequate water supply for fire protection.
- e. The proposed use and development will be compatible with the intended character of the area.
- f. Such other criteria as are specified for the particular use in other Sections of this chapter (Zoning Ordinance).

Conditional Use Permit No. 658-07 - Organic Refuse Landfill Sites

The northeastern portion of the property is designated as a former organic refuse landfill (ORL). Pursuant to Section 9141.12, Uses Permitted on Organic Refuse Landfill Sites, approval of a conditional use permit (CUP) is required if an ORL site is paved more than 20 percent. A condition of the CUP requires the Building and Safety Division to review and approve a report which shall provide and include plans for a protective system or systems designated to eliminate or mitigate the potential hazards and environmental risks associated with the proposed truck trailer parking use. Approval of the CUP by the Commission and the City Council shall be required prior to issuance of any building permit(s) or authorization to pave more than 20% of

the landfill area. The proposed industrial building is not located on the former landfill area.

The applicant is currently working with both the Building and Safety Division and DTSC regarding engineering criteria for development on and around the ORL portion of the site. The project shall be subject to Section 9141.12 of the Municipal Code, and: 1) be subject to any other conditions that the Commission or the Council may impose; 2) obtain approval of the report provided to the Building and Safety Division; 3) include a methane collection, venting and monitoring system for the proposed industrial building; 4) comply with all measures to eliminate or mitigate the hazards and environmental risks associated with the site proposed in the report approved by the Building and Safety Division and DTSC; 5) be subject to regular inspections as approved by the Building and Safety Division; and 6) include adequate measures to eliminate odors from the site.

Staff has contacted DTSC and DTSC has provided a letter approving the existing truck trailer storage use on the ORL site (Exhibit No. 3) provided the site is remediated and the area is paved. However, if the existing pavement is not approved by the City Council for the current truck trailer storage use, then the truck trailer storage use shall be terminated.

Conditional Use Permit No. 657-07 Truck Terminal and Truck Yard Facilities

Per Section 9148.9, Truck Terminal and Truck Yard Facilities, the proposed truck yard can be permitted upon approval of a conditional use permit. The site has been designed per requirements under Section 9148.9 to: 1) reduce any environmental impacts that the proposed truck yard may have; 2) ensure that truck yard operations are conducted in a safe manner; and 3) adequately screen truck yard facilities from the public right-of-way.

Truck parking is located on the northern and western portions of the site with screening from Carson Street provided by the industrial building and a 25-foot wide front yard landscaped area. Truck parking is arranged in parallel rows with striping provided to indicate each space. Areas utilized for the truck parking and permitted storage are surfaced with asphalt.

Truck and passenger vehicle access is via Carson Street, with the 710 Freeway to the east (less than 3/4-mile) and the 405 Freeway to the south (less than 1/2-mile). NYK Logistics proposed to lease the large truck yard and provide access from their neighboring property to the east.

The proposed building is similar to surrounding uses which include the NYK Logistics Distribution Center at 378,932 square feet, a Watson Land building to the south at 302,816 square feet and an industrial building to the west at 496,472 square feet in size. Total floor area ratio is 0.3 for the proposed project, 0.53 for the building to the west, 0.39 for NYK Logistics Distribution Center and 0.54 for a Watson Land building

to the south. Staff has also worked with the applicant to reduce the size of the building from the applicant's original proposal of 300,000 square feet.

All of the required findings pursuant to Section 9172.21(d), "Conditional Use Permit, Commission Findings and Decision", Section 9172.23(d), "Site Plan and Design Review, Approval Authority and Findings and Decision", Section 9141.12, "Uses Permitted on Organic Refuse Landfill Sites", and Section 9148.9, "Truck Terminal and Truck Yard Facilities", can be made in the affirmative. Details can be found in the attached resolution.

Issues of Concern

- ISSUE: Geology and Soils – Due to past industrial uses on site, other related permits and other public approvals required for this project involve city, regional, state and federal agencies, including the Department of Toxic Substances Control (DTSC) and the Regional Water Quality Control Board (RWQCB). The applicant submitted a Site Remediation and Redevelopment Plan (SRRP) to RWQCB in February 2007 for review. On June 27, 2007, staff received confirmation that DTSC will be providing full review and final approval of the site remediation.

DTSC Review

ProLogis will submit to DTSC a conceptual site model (CSM), which is a summary of the results of all previous investigations and presents the type, concentration and distribution of the contaminants present at the site. DTSC will review the CSM and determine if the investigation of the site is complete. If DTSC determines the investigation is complete, or sufficient to support identification of an appropriate remedy, DTSC will inform ProLogis that they can move forward with the development of a corrective measures proposal (CMP).

The CMP prepared by ProLogis will be submitted to DTSC for review and approval. The CMP will state the current site conditions, evaluate various cleanup alternatives and propose a final remedy for the site. The proposed final remedy may consist of several actions such as vapor extraction, soil excavation and offsite disposal, and/or a land use covenant. The proposed final remedy could also consist of just one action.

If DTSC agrees with the proposed remedy in the CMP, a 30-day public comment period would follow. At the end of the public comment period, DTSC will review all comments received and will respond, as appropriate, to the comments. DTSC could then approve the CMP for implementation with or without modifications.

After implementing the CMP, ProLogis is required to submit a report to DTSC presenting the results of the CMP, and to submit, as needed, any monitoring reports according to any schedules presented in the CMP.

ProLogis has stated that it intends to cleanup the site to commercial/industrial use levels, and is agreeing to a land use covenant restricting the future use of the property to only commercial/industrial uses in the future. DTSC will require ProLogis to develop, to DTSC's satisfaction, a land use covenant to be signed by both ProLogis and DTSC and to be recorded at the County Recorder's Office.

Status of DTSC Review

The applicant is currently working with DTSC to finalize the Site Remediation and Redevelopment Plan, which was previously reviewed by the RWQCB, as the Corrective Measures Proposal (CMP) required by DTSC for the site. The applicant is scheduled to submit the CMP to DTSC by mid-July. A condition of approval shall require the applicant to enter into a Facility Consent Agreement with DTSC prior to approval by the City Council.

Construction

Construction of the industrial building and site improvements will occur once remediation is completed by the applicant and approved by DTSC.

- *Proposed Condition/Change:* Mitigation measures to assess and address soil quality, including the presence of methane, have been included as conditions of approval.
- *Proposed Condition/Change:* A condition of approval shall require the applicant to comply with all applicable Department of Toxic Substances Control (DTSC) and Regional Water Quality Control Board (RWQCB) requirements.
- ISSUE: Parking - The proposed project is intended for warehouse use. The number of parking spaces shown on the development plan is calculated based on the City's minimum requirement for warehouse use, which is one parking space per 1,500 square feet of building area. Based on this requirement, the proposed project would be required to provide 173 parking spaces. The proposed plan shows 207 parking spaces. However, because land uses may change and intensify during the operation of the building, it is the City's policy that the required number of parking spaces be based on a mix of uses that include warehousing and manufacturing. The City's parking requirement for manufacturing use is one space per 500 square feet of building area. Assuming that future use may include one-half warehousing and one-half

manufacturing, the proposed project would require 365 parking spaces. Thus, as designed, the proposed project would not have sufficient parking for future intensification that includes manufacturing uses. Excluding the separately leased truck yard, 51 truck parking spaces are provided for the tenant(s) located on the west side. No truck parking is provided for the tenant on the east side. One truck parking space is required for each 7 loading positions.

- *Proposed Condition/Change:* In the event that the business adds manufacturing use or intensifies its operation in some other way, sufficient parking shall be provided to meet parking code requirements. The applicant may be required to provide additional onsite or offsite parking. Truck parking spaces can be converted to passenger vehicle parking. Additional truck parking shall be provided to support the tenant on the east side of the building.
- *Proposed Condition/Change:* Per Section 9162, Parking and Drainage of Vehicular Areas, a drainage plan shall be submitted to the Public Works Department for approval. The applicant shall also comply with the applicable SUSMP (Standard Urban Stormwater Mitigation Plan) requirements necessary to control storm water pollution from facility operations prior to issuance of Building Permit.

ISSUE: Traffic – The City Traffic Engineer has reviewed the traffic study submitted by the applicant and it has been determined that approximately 1,631 trips per day will be generated, with 188 trips occurring during morning peak hour and 198 trips generated during evening peak hour. Based on the project description, mitigation measures have been included to reduce traffic impacts to the greatest extent feasible. The conditions include a requirement that the applicant participates in a future traffic mitigation fee for needed street improvements in the area, specifically the intersection of Wilmington Avenue and 223rd Street/405 Freeway. Past and future businesses in the area have also been required to participate in the traffic mitigation fees and include Alpert & Alpert, Clean Steel, and Watson Land Company. The traffic mitigation fee will be based on review of the traffic study for this project as well as potential additional trips caused by new development in the area. The Engineering Services Division will facilitate the process for establishing a standard traffic mitigation fee for all projects in the area.

- *Proposed Condition/Change:* The applicant shall participate in a phased construction of offsite traffic improvements through payment of a traffic mitigation fee to the City of Carson in the amount to be determined by the City Traffic Engineer subject to approval by the City Council.
- ISSUE: Street Vacation – Staff has consulted with the City's Traffic Engineer regarding the city's past plan to create a street adjacent to the property that would have connected Carson Street to the south and Dominguez Street to

the north. Although the City owns property for the proposed street, the City currently has no intention to proceed with the creation of the proposed street.

- ISSUE: Noise – Nighttime activities generating outdoor noise shall be limited or mitigated to the satisfaction of the Planning Division.
- ISSUE: Air Quality – Measures have been identified under the Mitigated Negative Declaration to minimize air quality impacts and include both construction and operational mitigation measures.
- ISSUE: Sign Program – The application includes a sign program that shows a 37-foot high pylon sign. It is staff's opinion that the pylon sign is unnecessary because the subject property is not freeway-oriented and the proposed uses are industrial. Staff recommends that the sign program be revised to eliminate the pylon sign and provide a 10-foot high monument sign. Additionally, the directional signs cannot exceed 10 feet in height.
 - *Proposed Condition/Change:* The sign program shall be revised to include a 10-foot high monument sign. The pylon sign shall be removed from the sign program.
 - *Proposed Condition/Change:* Directional signs shall not exceed 10 feet in height.

IV. Environmental Review

An Initial Study has been prepared for this project in accordance with the California Environmental Quality Act (CEQA). Staff has reviewed the potential environmental impacts of the proposed project, and has determined that may be significant impacts to traffic, air quality, noise and geology and soils which could be mitigated. Staff has prepared a Mitigated Negative Declaration pursuant to Section 10571 of the CEQA guidelines.

V. Recommendation

That the Planning Commission:

- **ADOPT** the Mitigated Negative Declaration;
- **APPROVE** Design Overlay Review No. 989-07 and Conditional Use Permit No. 657-07 and recommend approval of Conditional Use Permit No. 658-07 to the Carson City Council subject to the conditions of approval attached as Exhibit "B" to the Resolution; and
- **WAIVE** further reading and **ADOPT** Resolution No. _____, entitled "A Resolution of the Planning Commission of the City of Carson approving Design Overlay Review No. 989-07 and Conditional Use Permit No. 657-07 and recommending approval of Conditional Use Permit No. 658-07 to the City

Council for the construction of a 273,870 square-foot industrial building and development of a surface parking lot for long haul truck transport trailers located at 2211-2307 E. Carson Street.”

VI. Exhibits

1. Land Use Map
2. Former Carson Aleris Facility: 2211 and 2241 E. Carson Street - Letter from Iris Environmental dated June 27, 2007 (w/ Document 2)
3. Corrective Action and Proposed Redevelopment of the Former Commonwealth Aluminum Facility – 2211 and 2241 East Carson Street – Letter from the Department of Toxic Substances Control (DTSC) dated June 27, 2007
4. Initial Study
5. Mitigated Negative Declaration
6. Resolution
7. Site Plan, Floor Plan, Elevations (C-1, D-1)

Prepared by: _____
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