



CITY OF CARSON

PLANNING COMMISSION STAFF REPORT

CONSENT: September 11, 2012

SUBJECT: Modification No. 1 to Design Overlay Review No. 1365-10

APPLICANT/PROPERTY OWNER: BP West Coast Products, LLC
Attention: Simon Mui
2350 East 223rd Street
Carson, CA 90810

REQUEST: Modification to an approved development plan to modify conditions requiring landscaping along the Poly One Access Road

PROPERTIES INVOLVED: 2350 East 223rd Street

COMMISSION ACTION

☐ Concurred with staff

☐ Did not concur with staff

☐ Other

COMMISSIONERS' VOTE

AYE	NO		AYE	NO	
		Chairman Faletogo			Gordon
		Vice-Chair Verrett			Saenz
		Brimmer			Schaefer
		Díaz			Williams
		Goolsby			

Item No. 9D

I. Introduction

The applicant, Simon Mui, is requesting a modification to Design Overlay Review (DOR) No. 1365-10 which includes the construction of a new 127,273-square-foot two-story maintenance shop building within the BP Carson Refinery property on behalf of the property owner, BP West Coast Products, LLC.

The request includes the modification of Condition Nos. 13, 15, and 16 of Planning Commission Resolution No. 10-2354, requiring the submittal of landscape plans and landscaping of 25 feet along Poly One Access Road.

The project site is located at 2350 East 223rd Street in the MH (Manufacturing, Heavy) zone.

II. Background/Analysis

On November 9, 2010, the Planning Commission approved Resolution No. 10-2354 for DOR No. 1365-10. At that time, the applicant proposed a voluntary traffic signal at the intersection of Poly One Access Road and 223rd Street. Following Planning Commission approval, the applicant submitted traffic signal plans for plan check review. The city's traffic engineering division is requiring a 35-foot turning radius from Poly One Access Road to 223rd street, which will reduce the width of proposed landscaping area to 2½ feet. The turning radius is required for safety and to prevent trucks from damaging the new traffic signal. The proposed landscaping is a condition of approval and is not a requirements stated within the Carson Municipal Code.

Since the applicant is unable to provide adequate landscaping along Poly One Access Road at this time, the applicant requests a modification deferring landscaping until the properties adjacent to the access road are developed. At that time, the applicant will be required to coordinate with the adjacent property owners to provide proper irrigation and a minimum of 2½ feet of landscaping along each side of the access road, in addition to the landscaping requirements that will be required on the adjacent development.

The following modifications are proposed (additions are in *italics* and underlined):

Condition No. 13 – “The applicant shall submit two sets of landscaping and irrigation plans drawn, stamped, and signed by a licensed landscape architect *in coordination with the adjacent property owners along Poly One Access Road, when development is proposed for each neighboring property.* Such plans are to be approved by the Planning Division ~~prior to the issuance of any building permit.~~”

Condition No. 15 – “Landscaping *on Poly One Access Road* shall be provided with a permanently installed, automatic irrigation system *when the adjacent properties along Poly One Access Road are developed.*”



Condition No. 16 – “A minimum of 25 feet of landscaping shall be provided along Poly One Road. Landscape plans shall be reviewed and approved by the Planning Division when development is proposed for each neighboring property, prior to the issuance of building permits.”

III. Environmental Review

Pursuant to Title 14 of the California Code of Regulations, Chapter 3, Guidelines for Implementation of the California Environmental Quality Act (CEQA), Article 6 (Negative Declaration Process) an Initial Study/Negative Declaration (ND) was prepared for the proposed project in accordance with CEQA. On November 9, 2010, the Planning Commission adopted the ND based on findings that the project would not create a significant environmental impact. The proposed modification to the conditions of approval is considered minor and does not warrant recirculation of the ND or preparation of additional environmental review. No further environmental review is necessary.

IV. Recommendation

That the Planning Commission:

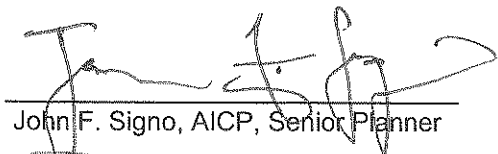
- WAIVE further reading and ADOPT a minute resolution approving Modification No. 1 to Design Overlay Review No. 1365-10; and
- AMEND Resolution No. 10-2354 to modify condition nos. 13, 15, and 16 to defer landscaping and irrigation requirements until the adjacent properties along Poly One Access Road are developed.

V. Exhibits

1. Resolution No. 10-2354
2. Plan showing available landscape area
3. Site Map

Prepared by: _____
Sharon Song, AICP, Associate Planner

Reviewed by: _____


John F. Signo, AICP, Senior Planner

Approved by: _____


Sheri Repp, Planning Officer

**CITY OF CARSON
PLANNING COMMISSION
RESOLUTION NO. 10-2354**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON RECOMMENDING APPROVAL TO THE CARSON REDEVELOPMENT AGENCY OF DESIGN OVERLAY REVIEW NO. 1365-10 FOR THE CONSTRUCTION OF A NEW 127,273-SQUARE-FOOT TWO-STORY MAINTENANCE SHOP BUILDING WITHIN THE BP CARSON REFINERY LOCATED AT 2350 EAST 223RD STREET

THE PLANNING COMMISSION OF THE CITY OF CARSON, CALIFORNIA, HEREBY FINDS, RESOLVES AND ORDERS AS FOLLOWS:

Section 1. An application was duly filed by the applicant, Simon Mui on behalf of BP West Coast Products, LLC, with respect to real property located at 2350 E. 223rd Street, and described in Exhibit "A" attached hereto, recommending approval of a Design Overlay Review (DOR) No. 1365-10 to the Carson Redevelopment Agency to construct a new 127,273-square-foot two-story maintenance shop building within the BP Carson Refinery property located in the MH (Manufacturing, Heavy) zone and within the Merged and Amended Redevelopment Project Area.

A public hearing was duly held on November 9, 2010, at 6:30 P.M. at City Hall, Council Chambers, 701 East Carson Street, Carson, California. A notice of time, place and purpose of the aforesaid meeting was duly given.

Section 2. Evidence, both written and oral, was duly presented to and considered by the Planning Commission at the aforesaid meeting.

Section 3. The Planning Commission finds that:

- a) The General Plan designates the property as Heavy Industrial with which the proposed use is compatible. The proposed maintenance shop building will be complementary to the surrounding area and will be appropriate for the subject property.
- b) The proposed maintenance shop building is designed to meet the City's requirements, including aspects of site planning, land coverage, landscaping, appearance and scale of structures, and other features relative to a harmonious and attractive development of the area.
- c) The site is adequate in size, shape, topography, location, utilities, and other factors to accommodate the existing use and development. The surrounding land uses are primarily industrial uses and the proposed project is intended to support those uses.
- d) The proposal provides adequate parking located on the site and the required number of parking spaces are provided. Circulation on the adjacent public



**Amended by the Planning Commission on September 11, 2012*

streets will not be adversely impacted by the project. Safe circulation is provided for pedestrians and traffic.

- e) The proposed building is attractive and designed to be compatible with the surrounding area.
- f) The project meets the goals and objectives of the General Plan and is consistent with applicable zoning and design regulations subject to compliance with the conditions of approval. Therefore all of the required findings pursuant to Section 9172.23(d), "Site Plan and Design Review, Approval Authority and Findings and Decision" can be made in the affirmative.

Section 4. The Planning Commission further finds that the proposed project will not have a significant effect on the environment as indicated in the Initial Study and Negative Declaration prepared for this project. The proposed use will not alter the character of the surrounding area and meets or exceeds all City standards for protection of the environment.

Section 5. Based on the aforementioned findings, the Commission hereby recommends approval of Design Overlay Review No. 1365-10 to the Carson Redevelopment Agency with respect to the properties described in Section 1 hereof, subject to the conditions set forth in Exhibit "B" attached hereto.

Section 6. The Secretary shall certify to the adoption of the Resolution and shall transmit copies of the same to the applicant.

Section 7. This action shall become final and effective fifteen days after the adoption of this Resolution unless within such time an appeal is filed with the City Clerk in accordance with the provisions of the Carson Zoning Ordinance.

PASSED, APPROVED AND ADOPTED THIS 9th DAY OF November, 2010

CHAIRMAN

ATTEST:

SECRETARY



CITY OF CARSON
DEVELOPMENT SERVICES GROUP
PLANNING DIVISION
EXHIBIT "B"
CONDITIONS OF APPROVAL
DESIGN OVERLAY REVIEW NO. 1365-10

GENERAL CONDITIONS

1. If a building permit is not issued within one year of the date of approval of Design Overlay Review No. 1365-10, said permit(s) shall be declared null and void unless an extension of time is requested prior to expiration and approved by the Planning Commission.
2. The applicant shall comply with all city, county, state and federal regulations applicable to this project.
3. The applicant and property owner shall sign an Affidavit of Acceptance form and submit the document to the Planning Division within 30 days of receipt of the Planning Commission Resolution.
4. The approved Resolution, including the Conditions of Approval contained herein, and signed Affidavit of Acceptance, shall be copied in their entirety and placed directly onto a separate plan sheet behind the cover sheet of the development plans prior to Building and Safety plan check submittal. Said copies shall be included in all development plan submittals, including any revisions and the final working drawings.
5. The applicant shall make any necessary site plan and design revisions to the site plan and elevations approved by the Planning Commission and on file with the City Planning Division, in order to comply with all the conditions of approval and applicable Zoning Ordinance provisions. Substantial revisions will require review and approval by the Planning Commission.
6. The applicant shall submit two complete sets of plans that conform to all the Conditions of Approval to be reviewed and approved by the Planning Division prior to the issuance of a building permit.
7. It is further made a condition of this approval that if any condition is violated or if any law, statute or ordinance is violated, this permit may be revoked by the Planning Commission or City Council, as may be applicable; provided the applicant has been given written notice to cease such violation and has failed to do so for a period of thirty days.



**Amended by the Planning Commission on September 11, 2012.*

8. Decision of the Planning Commission shall become effective and final 15 days after the date of its action unless an appeal is filed in accordance with Section 9173.4 of the Zoning Ordinance.
9. Applicant shall defend, indemnify and hold harmless the City of Carson, its agents, officers, or employees from any claims, damages, action, or proceeding against the City or its agents, officers, or employees to attack, set aside, void or annul, and approval of the City, its advisory agencies, appeal boards, or legislative body concerning Design Overlay Review No. 1365-10. The City will promptly notify the Applicant of any such claim, action, or proceeding against the City and the Applicant will either undertake defense of the matter and pay the City's associated legal costs or will advance funds to pay for defense of the matter by the City Attorney. The City will cooperate fully in the defense. Notwithstanding the foregoing, the City retains the right to settle or abandon the matter without the Applicant's consent but should it do so, the City shall waive the indemnification herein, except, the City's decision to settle or abandon a matter following an adverse judgment or failure to appeal, shall not cause a waiver of the indemnification rights herein.

PARKING

10. All parking areas and driveways shall remain clear. No encroachment into parking areas and/or driveways shall be permitted.
11. Parking spaces shall be identified (marked) as provided in Section 9162.56 of the Zoning Ordinance.
12. Parking for handicapped shall comply with the requirements of Section 9162.42 of the Zoning Ordinance.

LANDSCAPING/IRRIGATION

13. The applicant shall submit two sets of landscaping and irrigation plans drawn, stamped, and signed by a licensed landscape architect in coordination with the adjacent property owners along Poly One Access Road, when development is proposed for each neighboring property. Such plans are to be approved by the Planning Division ~~prior to the issuance of any building permit.~~
14. The applicant shall install 6" x 6" concrete curbs around all landscaped planter areas, except for areas determined by a SUSMP/NPDES permit, or other applicable condition of approval that requires certain landscaped areas to remain clear of concrete curbs for more efficient stormwater runoff flow and percolation. Revised landscaping and irrigation plans shall be reviewed and approved by the Planning Division should subsequent modifications be required by other concerned agencies regarding the removal of concrete curbs.



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15. Landscaping on Poly One Access Road shall be provided with a permanently installed, automatic irrigation system when the adjacent properties along Poly One Access Road are developed."
16. A minimum of 25 feet of landscaping shall be provided along Poly One Road. Landscape plans shall be reviewed and approved by the Planning Division when development is proposed for each neighboring property. ~~prior to the issuance of building permits."~~

UTILITIES

17. All utilities and aboveground equipment shall be constructed and located pursuant to Section 9146.8 of the Zoning Ordinance, unless otherwise provided for in these conditions.
18. All roof mounted equipment shall be incorporated into the design of the structure or building. The roof mounted equipment must be painted to blend in with the building and not draw attention.

FENCES/WALLS

19. All fences, walls and hedges shall be located and constructed in compliance with the standards as provided for in Section 9146.3 (Industrial Zones) of the Zoning Ordinance.

LIGHTING

20. All exterior lighting shall be provided in compliance with the standards as provided for in Section 9137.1 (Commercial Zones) of the Zoning Ordinance.

TRUCK LOADING AND MANEUVERING

21. All truck loading facilities, maneuvering areas and parking spaces shall be designed to the standards outlined in Section 9162.62 of the Zoning Ordinance.

BUILDING AND SAFETY

31. Prior to issuance of a Building Permit, Proof of Worker's Compensation and Liability Insurance must be on file with the Los Angeles County Building and Safety Department.
32. The proposed project shall meet all requirements of the American Disabilities Act (ADA).
33. The existing maintenance shop building located in the southern portion of the BP Carson Refinery shall only be used as storage. Proper permits shall be secured prior to converting the building for storage use.

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ENGINEERING SERVICES DEPARTMENT

34. The Developer shall submit a copy of approved Grading plans on bond paper to the City of Carson – Engineering Division, prior to issuance of grading permits.
35. The Developer shall submit a copy of approved plans on mylars (such as, Sewer, Street and/or Storm Drain Improvements, whichever applies), to the City of Carson – Engineering Division, prior to issuance of construction permits.
36. On-site flatwork (e.g. base, paving, curb and gutters) are subject to inspection by Public Works Inspectors. Permit shall be obtained from City of Carson Engineering Services.
37. A construction permit is required for any work to be done in the public right-of-way.

Prior to issuance of Building Permit, the proposed development is subject to the following:

38. Drainage/Grading plan shall be submitted for approval of the Building and Safety Division. The Developer shall submit a copy of approved Drainage/Grading plans on bond paper to the City of Carson – Engineering Division.
39. CC&R's (covenants, conditions, and restrictions) to address drainage responsibilities are required, if applicable.
40. The Developer shall comply with the applicable SUSMP requirements and shall include Best Management Practices necessary to control storm water pollution from construction activities and facility operations prior to issuance of Building Permit.
41. Soils report, sewer area study, drainage concept, hydrology study and stormwater quality plan shall be reviewed and approved. Building Permit issuance will not be granted until the required soils, sewer, drainage concept, hydrology study and stormwater information have been received and found satisfactory.
 - a. Comply with mitigation measures recommended in the approved soils, sewer area study, drainage concept, hydrology study and stormwater quality plan.
42. The Developer shall submit a sewer area study to the Los Angeles County Department of Public Works (LACDPW) to determine if capacity is adequate in the sewerage system to be used as the outlet for the sewer of this development. If the system is found to have insufficient capacity, the problem must be addressed and resolved to the satisfaction of the LA County Sewer Department.
43. Quitclaim or relocate any easements interfering with the building locations to the satisfaction of the City, appropriate agency or entity.
44. The Developer shall submit improvement plans to the Development Services Group-Engineering Division showing all the required improvements in the public



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right of way for review and approval of the City Engineer. A copy of approved conditions of approval shall be attached to the plans when submitted.

Sewer Main Improvements (if any) along 223rd Street as determined by the aforementioned sewer area study.

Storm Drain Improvements (if any) along 223rd Street as determined by the aforementioned requirement.

45. Construction bond for all work to be done within the public right of way shall be submitted and approved by Engineering Services prior to issuance of Building Permit.
46. Proof of Worker's Compensation and Liability Insurance.

Prior to issuance of Certificate of Occupancy, the proposed development is subject to the following:

47. If needed, easements shall be granted to the City, appropriate agency, or entity for the purpose of ingress, egress, construction, and maintenance of all infrastructures constructed and handicap access for this development to the satisfaction of the City Engineer and or appropriate agency or entity.
48. The Developer shall annex parcel 7315-007-009 and parcel 7315-007-012 to the LA County Lighting Maintenance District, for the purpose of operating and maintaining the streetlights to be installed. The annexation shall be to the satisfaction of LA County and shall be completed prior to the issuance of Certificate of Occupancy. Additional streetlight installation or upgrade to existing streetlights may be required as part of the annexation. (annexation procedure is approximately 12 months)
49. All new utility lines, servicing the proposed development abutting the proposed development shall be underground to the satisfaction of the City Engineer.
50. The Developer shall install separate sewer laterals to individually serve each building in the development. Installation and dedication of main line sewers may be necessary to meet this requirement.
51. The Developer shall execute and provide to the City Engineer, a written statement from the water purveyor indicating that the water system will be operated by the purveyor and that under normal conditions, the system will meet the requirements for the development and that water service will be provided to each building.
 - a. Comply with mitigation measures recommended by the water purveyor.
52. The Developer shall construct and guarantee the construction of all required drainage infrastructures in accordance with the requirements and recommendations of the hydrology study, subject to the approval of the City Engineer.
53. The Developer shall comply with all requirements from LA County Sewer Maintenance Division for maintenance of new and/or existing sewer main, relating to this development, prior to release of all improvement bonds.



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54. The Developer shall comply with the applicable SUSMP requirements and shall incorporate into the project plan a Storm Water Mitigation Plan, which includes those Best Management Practices necessary to control storm water pollution from construction activities and facility operations prior to issuance of Building Permit.

BUSINESS LICENSE DEPARTMENT - CITY OF CARSON

55. Per section 6310 of the Carson Municipal Code, all parties involved in the construction of the project, including but not limited to contractors and subcontractors, will need to obtain a valid City Business License.

ENVIRONMENTAL

56. The applicant shall comply with all the standard conditions, mitigation measures (if any) implementation, timing, and monitoring described in the Negative Declaration for this project.

