



CITY OF CARSON

PLANNING COMMISSION STAFF REPORT

CONTINUED PUBLIC HEARING: June 12, 2007

SUBJECT: Zone Change Case No. 154-07

APPLICANT: City of Carson

REQUEST: To change the zone designation of certain properties from MH-D (Manufacturing, Heavy-Design Overlay Review) to ML-D (Manufacturing, Light-Design Overlay Review), ML (Manufacturing, Light) to OS (Open Space) and MH-ORL-D (Manufacturing, Heavy – Organic Refuse Landfill- Design Overlay Review) to ML-ORL-D (Manufacturing, Light-Organic Refuse Landfill-Design Overlay Review)

PROPERTY INVOLVED: Various properties in the northwest section of Carson

COMMISSION ACTION

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

COMMISSIONERS' VOTE

AYE	NO		AYE	NO	
		Cannon			Hudson
		Faletogo			Saenz
		Graber			Verrett

I. Introduction

The proposed changes will bring the zoning on certain properties into conformance with the General Plan. The changes in this request focus on rezoning properties as follows:

Existing	Proposed
MH-D (Manufacturing, Heavy – Design Overlay Review)	ML-D (Manufacturing, Light – Design Overlay Review)
MH (Manufacturing, Heavy)	OS (Open Space)
MH-ORL-D (Manufacturing, Heavy – Organic Refuse Landfill – Design Overlay Review)	ML-ORL-D (Manufacturing, Light-Organic Refuse Landfill – Design Overlay Review)

The properties associated with the zone change are located in the northwest area of the City. (Refer to Exhibit 1). An Environmental Impact Report was prepared and approved for the General Plan (SCH #2001091120) which analyzed the proposed changes.

II. Background

After several year of public review, the Planning Commission recommended approval of the amended General Plan and the City Council approved the General Plan in October, 2004. Changes in the General Plan designations resulted in a number of properties where the zoning is not in conformance with the General Plan. State Law requires that the zoning for a property be in conformance with the General Plan. The property is located in Redevelopment Project Area No. 1B. On April 10, 2007, the Planning Commission held a public hearing and continued action until June 12, 2007 to allow interested property owners to discuss special concerns with staff. On May 8, 2007, staff held a workshop with the Planning Commission which presented the process by which the General Plan changes were made which led to the current zoning changes.

III. Analysis

Heavy Industrial Zones to Light Industrial Zones

The properties in this request are located in Study Areas 9A and 9B of the General Plan. The properties in 9A which are proposed for rezoning are located north of the 91 Artesia Freeway between Figueroa Street and Main Street and on the east side of Main Street north of Walnut Street. The properties in the 9B area are south of the 91 Artesia Freeway, between Figueroa Street and Broadway, in the area east of Main Street between Albertoni Street and Victoria Street and on the west side of Main Street between Victoria Street and Griffith Street. The zones will keep their D (Design Overlay Review Designation (Exhibit No. 1).

Heavy Industrial to Open Space

The Dominquez Channel is being rezoned Open Space to more appropriately reflect the use.

Heavy Industrial – Design Overlay Review – Organic Refuse Landfill to Light Industrial – Design Overlay Review – Organic Refuse Landfill (19101 -19145 S. Broadway)

There is one parcel located on the west side of Broadway at the intersection with Main Street which is located on a former landfill (Exhibit No. 3). There are special regulations for building on a former landfill, therefore the zoning designation ORL (Organic Refuse Landfill) is added to the underlying zone designation. Pursuant to Section 9141.13 of the Carson Municipal Code, no more than 20 percent of the property can be paved and no buildings can be constructed unless a conditional use permit (CUP) for the ORL property is approved by both the Planning Commission and the City Council. The CUP would require remediation of the property by including a protective system and other measures designed to eliminate risks and hazards. Staff recommends that the ORL and D (Design Overlay Review) designations remain on this property.

The subject property is currently being used by an unauthorized truck yard use. The zoning requirements for truck yards were revised in 2004. Previously truck yards were allowed in the ML and MH zones. Truck yards are no longer permitted in the ML zone and require a CUP in the MH zone. Changing the General Plan to Light Industrial in 2004 made the truck yards in the light industrial area ineligible to obtain a CUP.

The truck yard located at 19101-19145 S. Broadway has been operating illegally since May 24, 2004 when Variance No. 413-99 expired. On April 10, 2007, representatives of the property owners requested consideration by the Planning Commission to allow the property to be designated as Heavy Industrial to allow for an application to be submitted for the continued operation of the truck yard. The Planning Commission continued the public hearing to allow the property owner to submit a General Plan Amendment application. The application was submitted on May 23, 2007. Staff is currently reviewing the application.

This property has had a long history of requests and code enforcement with the city. The following is a summary over the past 10 years:

- In 1996, the property was cited with a code violation for CMC 9162.0 Paving and Drainage of Vehicle areas, CMC 9162.21 Parking Spaces Required, CMC 9162.56, Marking of Automobile parking Spaces. An inspection made by a City Engineer indicated that there was no paving and that the dust was blowing off site.

- In 1997, the property was cited twice for lack of paving and other improvements.
- In 1998, a letter was sent to the owner stating that a conditional use permit would be required for the proposed paving on a landfill property.
- In 1999, the applicant submitted a request to eliminate the required paving for a truck yard as a means of not triggering the requirement for a CUP and the remediation of the landfill property. The Planning Commission approved Variance No. 413-99 for a truck yard on the subject property for a period of five years without providing paving for all areas used for the storage or parking of trucks. The approved site plan provided for up to 20 percent of the site to be paved. Landscaping and other improvements were required as a condition of approval. Variance No. 413-99 expired on May 24, 2004. The Planning Commission approval was for only a five year period to allow possible remediation or other land uses to be explored. There was never intent to allow the truck yard to operate for an indefinite period without being in compliance with all code requirements.
- In 2003, a moratorium on establishment of new truck terminals or truck yards without conditional use permit approval was established by the City Council. The truck yard at 19101-19145 S. Broadway was eligible for a CUP during this period. No application was submitted.
- In 2004, the City Council approved an ordinance that only allowed truck yard in the MH (Manufacturing, Heavy) zone with a CUP. Since the truck yard located at 19101 - 19145 S. Broadway did not have a business license, there was no amortization period. The truck yard was determined to be operating illegally.
- In 2005, the property owner was notified that the operation of a truck yard facility was no longer a permitted use and must cease operations.
- In January, 2006 a Notice of Code Violation was sent to the property owner citing sections CMC 5702 Property Maintenance, CMC 9162.52 Landscaping requirements, CMC 04-1308 Truck Yards and Truck Terminals and CMC 4124 Unsightliness.
- On May 22, 2007, the applicant applied for a business license for a truck yard. A business license was issued for "administrative offices" for the subject property. Upon inspection by the Code Enforcement Specialist, the property was determined to not have a building or legal structure to allow for an office use. The business license for the "administrative offices" will be withdrawn since it was issued in error.

The Planning Commission and City Council considered this property during the General Plan Update and the adoption of the new standards for truck yards. The

record shows that the Planning Commission and City Council were concerned about the impacts of truck yards in this area. Staff recommends that the Planning Commission approve Zone Change Case No. 154-07 to have the zoning of the subject property to be consistent with the existing General Plan designation of Light Industrial.

A public hearing will be scheduled at a future time to consider the request to modify the General Plan to change the land use designation from Light Industrial to Heavy Industrial. The property owner seeks to have the property designated as Heavy Industrial to allow for future consideration of an application to allow for the legal operation of a truck yard. It is unknown at this time whether the property owner is willing to comply with the requirements to remediate the property and obtain a CUP for any use that requires a building or pavement of more than 20% of the property. The Planning Commission will have opportunity to obtain more detailed information from the property owner at the public hearing for the General Plan Amendment.

Other Properties

There were two people who testified on April 10, 2007 and one letter addressed to the Commission. The Planning Commission asked staff to contact all three property owners to determine if the existing businesses would be allowed in the ML zone district. The subject businesses were all determined to be allowed in the ML zone.

The property located at 17828 S. Main Street was approved by the Redevelopment Agency on June 5, 2007 for an office building and vehicle storage. The property is located adjacent to the Carson Harbor Village Mobile Home Park. The proposed use was found to be consistent with the surrounding area and permitted under the ML zone district.

One response was received from Wendall K. Hu representing Prime Wheel Corporation (Exhibit No. 4). The letter requests appropriate zoning to allow for the wheel manufacturing use to be permitted on the 8 identified properties. Exhibit No. 5 shows a map with all of the Prime Wheel properties listed in the letter. One parcel APN 7339-003-024 will remain MH (Manufacturing, Heavy). The other parcels have a Light Industrial designation on the General Plan. All the facilities and manufacturing uses owned and operated by Prime Wheel are allowed in the ML (Manufacturing, Light) zone.

General Plan

The General Plan Land Use Map designates the area for Light Industrial Use (Exhibit No. 2). The City Council and the Planning Commission considered the best future use for the area and the impact a heavy industrial designation would have on existing and future development. The city specifically considered less intense and cleaner uses for the future development of this area. If consideration were to be given to changing any of the properties back to Heavy Industrial, the environmental impacts of such uses would have to be considered.

LU-IM-6.7 of the General Plan states:

“Review any zone change and/or General Plan Amendment to permit development or modify intensity. Factors to be considered include, but are not limited to: the maximum intensity allowed pursuant to the General Plan; circulation patterns; environmental constraints; and compatibility with surrounding land uses.”

The changing of the zoning to light industrial and open space brings the zoning into conformance with the General Plan Land Use Map and with this Land Use implementation measure. If the Commission is considering redesignating specific parcels to Heavy Industrial, the maximum intensity of the uses, circulation patterns, environmental constraints and compatibility with surrounding land uses would have to be considered.

LU-7.3 states:

“Promote the use of buffers between more intensive industrial uses and residential uses.”

Rezoning the areas on the west side of Main Street between Griffith Street and Victoria Street, the east side of Main Street Victoria Street and Albertoni Street and the east side of Main Street north of Walnut Street will buffer the residential use to the east from the heavy industrial use to the west. The proposed zoning change is in conformance with Land Use policy.

III. Environmental Review

Draft Environmental Impact Report (EIR) SCH No. 2001091120 was prepared to analyze the impacts of the General Plan. The City Council certified the General Plan EIR in October, 2005. The zone changes proposed in this request were analyzed as part of that document. An redesignation of property would require an intital study and environmental review to determine if there are additional impacts.

IV. Conclusion

Staff recommends that the Planning Commission recommend that the City Council approve the zone changes from MH (Manufacturing, Heavy) to ML-D (Manufacturing, Light-Design Overlay Review), MH-ORL-D (Manufacturing, Heavy-Organic Refuse Landfill-Design Overlay Review) to ML-ORL-D (Manufacturing, Light-Organic Refuse Landfill-Design Overlay Review) and ML (Manufacturing, Light) to OS (Open Space) on properties shown on Exhibit No. 1. These changes will bring properties into conformance with the General Plan as required by State law.

V. Recommendation

The Planning Commission:

1. RECOMMEND APPROVAL to the City Council, of Zone Change Case No. 154-07 to change the zoning on certain properties to ML-D (Manufacturing, Light), ML-ORL-D (Manufacturing, Light-Organic Refuse Landfill-Design Overlay Review) and OS (Open Space) to bring the zoning into conformance with the General Plan.
2. WAIVE further reading and ADOPT Resolution No. , entitled "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON RECOMMENDING APPROVAL TO THE CITY COUNCIL OF ZONE CHANGE CASE NO. 154-07."

V. Exhibits

1. Proposed Zone Change in Study Areas 9A and 9B
2. General Plan Map for Study Areas 9A and 9B
3. Map of 19101-19145 Broadway
4. Letter from Wendall K. Hu dated May 3, 2003
5. Map of properties owned by Prime Wheel Corporation
6. Draft Resolution of the Planning Commission

Prepared by: _____
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Approved by: _____
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CK: ZCC154-07