



CITY OF CARSON

PLANNING COMMISSION STAFF REPORT

PUBLIC HEARING:

February 24, 2015

SUBJECT:

Conditional Use Permit No. 965-14
Relocation Review No. 3049-15

APPLICANT:

Kevin Apel
601 S. Figueroa Street, Suite 2225
Los Angeles, CA 90017

REQUEST:

To permit a temporary truck yard and a 320-square-foot modular office building for a five-year period in the MH-D (Manufacturing, Heavy – Design Overlay) zoning district

PROPERTY INVOLVED:

2100 E. 223rd Street

COMMISSION ACTION

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

COMMISSIONERS' VOTE

AYE	NO		AYE	NO	
		Chairman Faletogo			Gordon
		Vice-Chairman Piñon			Saenz
		Brimmer			Schaefer
		Diaz			Verrett
		Goolsby			

Item No. 12-A

I. Introduction

Property Owner:

Solutia Inc., 575 Maryville Centre Drive, St Louis, MO 63141

Applicant

Kevin Apel, 601 S. Figueroa Street, Suite 2225, Los Angeles, CA 90017

Project Address

2100 E. 223rd Street

Project Description

The applicant proposes a temporary truck yard with 58 angled truck parking stalls and a 320-square-foot modular office building for a five-year period. This truck yard will be used as an overflow parking lot for J&D Transportation, who will lease the yard. J & D Transportation is located in Wilmington and provides space for storage of containers received from the Port of Long Beach. The truck yard will be in the rear two acres of a ten-acre lot. The truck yard will operate between 7:00 a.m. and 4:00 p.m. and support up to 25 trucks incoming and 25 trucks outgoing per day.

Current Improvements

The rear two-acre portion of the site is paved and has been used for equipment storage. The remainder of the site is also paved and has been used for as a parking lot and for equipment storage by Tesoro who subleases the property. In addition, the site is currently being remediated for soil, soil-gas and ground water contamination from a closed chemical manufacturing plant operated by Monsanto Company. An open Department of Toxic Substances Control (DTSC) case for the site identifies Monsanto as the responsible party. The remediation equipment operates on a building footprint approximately ½ acre and includes piping equipment that extends to contaminated locations across the entire site. According to the owner's environmental consultant, remediation and completion is estimated to take 7-9 years at a cost of up to \$3 million.

II. Background/Analysis

Location/Site Characteristics/Existing Development

The project site is located on 223rd Street between Wilmington Avenue and Alameda Street. The site is surrounded by industrial uses and commercial auto-oriented uses.

Prior Use of the Site



The site was historically used for agriculture purposes before a chemical manufacturing plant was constructed in the early 1960's. Monsanto operated a chemical manufacturing plant on the site from the early 1960's through the early 1990's.

Public Safety Issues

None.

III. Analysis and Findings

Zoning/General Plan Designation

The property is zoned MH-D (Manufacturing, Heavy – Design Overlay). The property's General Plan land use designation is Business Park in the front and Heavy Industrial in the rear where the proposed project is located. Carson Municipal Code (CMC) requires a CUP and compliance with special requirements for a truck yard. The objectives of truck yard facilities are as follows as required by CMC:

- **To be used in connection with conditional use permit and site plan approval.**

The applicant is requesting approval of a conditional use permit.

- **To provide for the safe and orderly use of land for parking, servicing, repairing or storage of trucks in active use in a manner minimizes adverse environmental impacts of such a use upon the surrounding area.**

The truck yard will operate between 7:00 a.m. and 4:00 p.m. and support up to 25 trucks incoming and 25 trucks outgoing per day that minimizes impact upon the surrounding area.

- **To ensure that truck yard uses include development standards designed to mitigate existing and potential noise, dust, fumes, traffic and other adverse environmental impacts affecting neighborhood residential and commercial areas.**

The truck yard will be located at the rear of the lot away from neighboring commercial uses, and be screened from the public right-of-way by landscaping and a new fence.

- **To ensure that the truck yard operations are conducted in a safe manner based upon such factors as adequate paving, striping of truck parking stalls, lighting, storage within the yard and cargo within the trucks.**

The truck yard will provide adequate paving, striping of parking stalls, and lighting for cargo storage and truck parking.

- To ensure adequate screening of truck yard facilities from the public right-of-way.

The truck yard will be adequately screened from the public right-of-way.

- To ensure that the site is sufficient in size to accommodate truck yard uses.

The site is sufficient in size to accommodate truck yard uses.

Fencing

Issue

The front of the property along 223rd Street is secured with a chain link fence and sliding security gate. The fence is old and needs to be replaced.

Solution

The applicant is proposing to replace the fence with a new tubular steel fence and gate. The fence will include proper screening material constructed of solid opaque material.

Landscaping

Issue

The front of the property along 223rd street is screened with a row of mature Italian Cypress shrubs. Some of the vegetation is dead and some landscape areas need additional maintenance.

Solution

The applicant will replace any dead vegetation with new vegetation of the same type and similar size and ensure that the other landscaping areas are properly maintained.

Truck Use on East 223rd Street

Issue

The entire stretch of 223rd through the City is designated as truck route. The segment between Wilmington Boulevard and Alameda Street is generally developed as auto related retail businesses. However, the south side is generally undeveloped or under developed with the exception of few parcels including the Tesoro campus. Over the years, the street has been used by large trucks to support the industrial uses in the area. More recently, the retail auto businesses along 223rd Street have

made substantial investments to improve the safety and appearance of the street. The City is dedicated to create a balance of uses for this segment that is consistent with the commercial uses on the north side of the street and with industrial uses on the south side of the street and allow 223rd to continue to function as a truck route. In addition, the City is planning to make improvements to 223rd Street. The improvements are proposed between Lucerne and Alameda and are planned to be completed by the end of 2016. The improvements include streetscape and roadway improvements. As a result, staff is cautious in supporting uses that add substantial truck traffic on this portion of 223rd Street that could potentially cause traffic, noise, and aesthetics concerns.

Solution

Staff has shared these concerns with the applicant. In response, the applicant indicates the proposed truck yard will be temporary for up to five years. Within five years, the applicant intends to redevelop the site with a project that will be less focused on truck and trailer staging. In addition, the truck yard will be limited to support up to 25 trucks incoming and 25 trucks outgoing per day. Therefore, in staff's opinion, the project's temporary nature and scale fits the vision for the area.

Business Park Land Use Designation

Issue

The front portion of the site has a General Plan land use designation of Business Park (BP). The BP designation is intended to provide an attractive, high-quality industrial/business park primarily for offices, light manufacturing and assembly, and research and development. The City has not developed zoning designations to implement this General Plan land use category. This designation was perhaps proposed for this area to provide a transition in land use from heavy industrial to commercial on the north side of the street.

Solution

The proposed truck yard, located in the back portion of the parcel, is not located within the BP designation. Therefore, there is no General Plan consistency issue with the proposed use. Moreover, the applicant has expressed interest in developing a project that will be consistent with the Business Park designation once the remediation is complete.

Temporary Office Trailer

Issue

The applicant is proposing a temporary office trailer to be used by security guards. The City does not typically permit temporary office trailers unless used for construction activities.

Solution

Since the applicant is proposing this truck yard and office trailer as a temporary use, and the trailer will be located at the rear of the site where it will not be visible from the public right-of-way, staff supports this request.

Remaining Issues

None.

IV. Environmental Review

Pursuant to Section 15061(b)(3) of the California Environmental Quality Act (CEQA) Guidelines, the proposed project does not have the potential for causing a significant effect on the environment since the project site is located in a developed area and was formerly used for truck parking.

V. Recommendation

That the Planning Commission:

APPROVE Conditional Use Permit No. 965-14 and Relocation Review No. 3049-15; and

WAIVE further reading and ADOPT Resolution No. 15-___, entitled "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON APPROVING CONDITIONAL USE PERMIT NO. 965-14 AND RELOCATION REVIEW NO. 3049-15 TO PERMIT A TEMPORARY TRUCK YARD AND A MODULAR OFFICE FOR A FIVE-YEAR PERIOD."

VI. Exhibits

1. Site Map
2. Development Plans
3. Draft Resolution

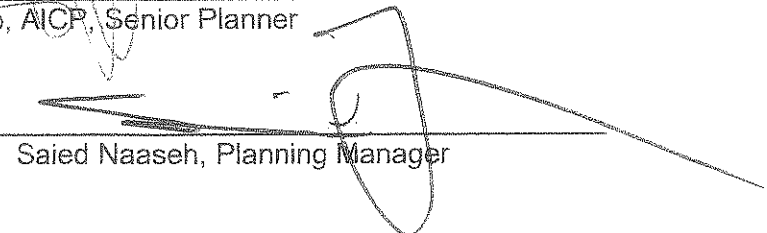
Prepared by:


Richard A. Rojas, AICP, Associate Planner

Reviewed by:

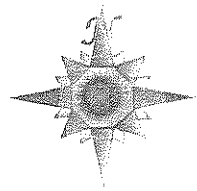
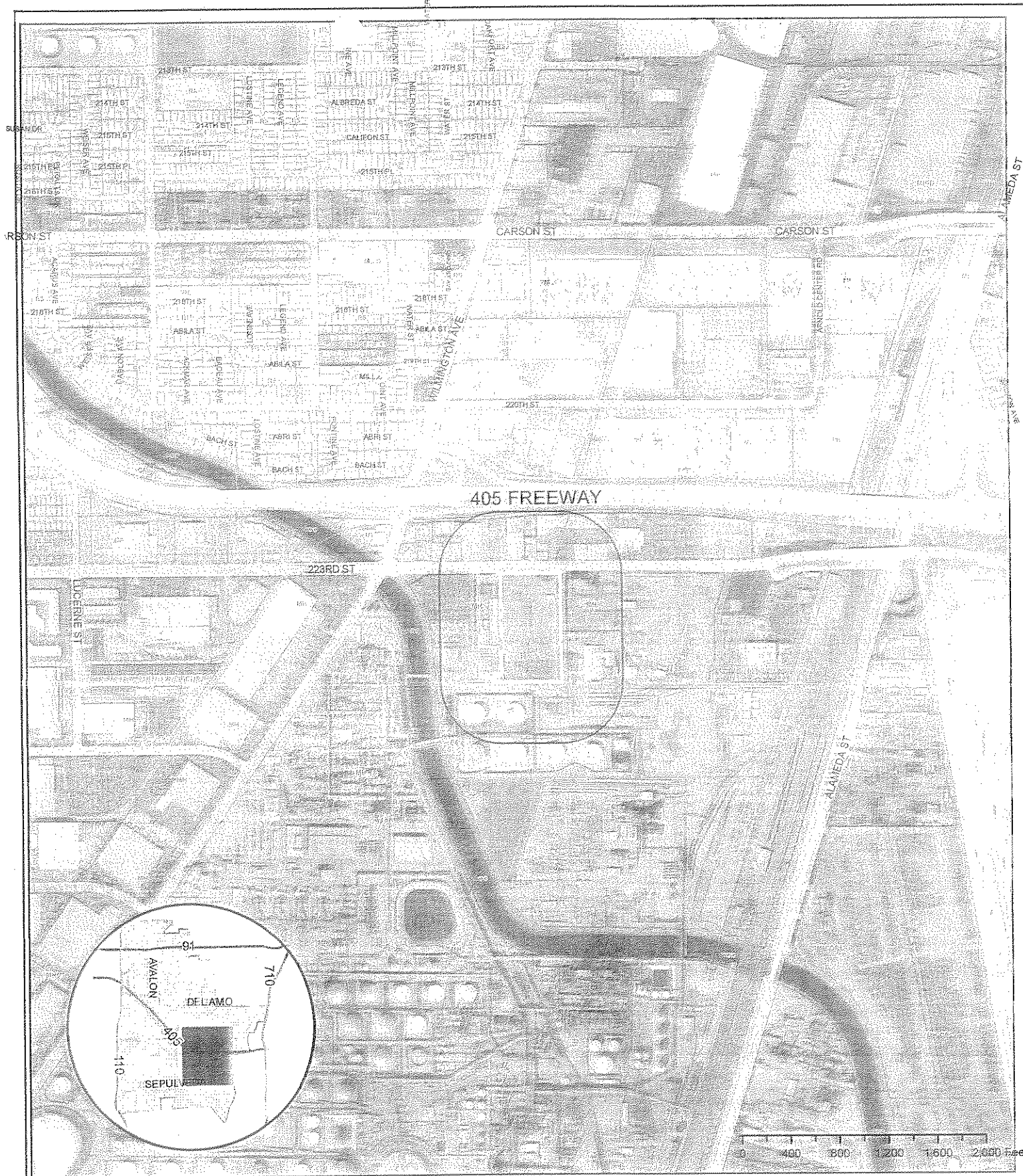

John F. Signo, AICP, Senior Planner

Reviewed and Approved by:


Saied Naaseh, Planning Manager

Planning Commission Staff Report
February 24, 2015
CUP No. 965-14; RR No. 3049-15

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City of Carson
500 Foot Radius Map
2100 E. 223rd Street

EXHIBIT NO. 01

CITY OF CARSON
PLANNING COMMISSION
RESOLUTION NO. 15-XXXX

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF CARSON APPROVING CONDITIONAL USE PERMIT
NO. 965-14 AND RELOCATION REVIEW NO. 3049-15 TO
PERMIT A TEMPORARY TRUCK YARD AND A MODULAR
OFFICE FOR A FIVE-YEAR PERIOD LOCATED AT 2100 E. 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's representative, Kevin Apel, on behalf of the property owner, Solutia Inc., with respect to real property located at 2100 E. 223rd Street, and described in Exhibit "A" attached hereto, requesting approval of Conditional Use Permit (CUP) No. 965-14 to permit a temporary truck yard and Relocation Review (RR) No. 3049-15 for a 320-square-foot modular office building for a five-year period on a site located in the MH-D (Manufacturing, Heavy – Design Overlay) zoning district.

A public hearing was duly held on February 24, 2015, at 6:30 P.M. at Congresswoman Juanita Millender-McDonald Community Center, Community Halls ABC, 801 East Carson Street, Carson, CA 90745. 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 proposed use is compatible with the General Plan land use designation for the property of Heavy Industrial. The proposed use will be consistent with the surrounding industrial uses. Thus, the proposed use is appropriate for the subject property.
- b) The site is adequate in size, shape, topography, location, utilities, and other factors to accommodate the proposed use and development. The site is approximately 10 acres and is located in a developed area. The proposed project is compatible with the surrounding heavy industrial uses.
- c) There will be adequate street access and traffic capacity for the proposed truck yard and modular office building.
- d) There will be adequate water supply for fire protection for the proposed general auction use since no new construction is proposed.
- e) The proposed use is compatible in design with existing and anticipated development in the vicinity, including the aspects of site planning, land coverage, landscaping, appearance and scale of structures, open spaces, and

EXHIBIT NO. 03

other features relative to a harmonious and attractive development of the area. The surrounding land uses include various industrial and commercial uses.

- f) The proposed CUP and RR application to permit a truck yard and modular office building meets the goals and objectives of the General Plan and would be consistent with applicable zoning and design regulations. Therefore all of the required findings pursuant to Sections 9172.21(D) and 9172.26(D) can be made in the affirmative.

Section 4. Pursuant to Section 15061(b)(3) of the California Environmental Quality Act (CEQA) Guidelines, the proposed project does not have the potential for causing a significant effect on the environment since the project site was formerly used for truck storage and the proposed project would be a similar use. Furthermore, the project site is zoned MH-D (Manufacturing, Heavy – Design Overlay) and the land use designation under the General Plan is Heavy Industrial and Business Park. The proposed use is consistent with both the zoning and land use designation and the environmental impact report prepared for the General Plan anticipated the proposed use with no further adverse impacts being generated.

Section 5. Based on the aforementioned findings, the Commission hereby approves Conditional Use Permit No. 965-14 with respect to the property 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 24TH DAY OF FEBRUARY 2015

CHAIRMAN

ATTEST:

SECRETARY

EXHIBIT "A"

Real Property in the City of CARSON, County of Los Angeles, State of California, described as follows:

PARCEL 1:

THAT PORTION OF THE 398.11 ACRE TRACT IN RANCHO SAN PEDRO, IN THE CITY OF CARSON, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, ALLOTTED TO ANA JOSEFA DOMINGUEZ DE GUYER BY THE FINAL DECREE OF PARTITION OF A PORTION OF SAID RANCHO HAS IN LOS ANGELES COUNTY, CASE NO. 3284, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE SOUTH BOUNDARY OF 223RD STREET, FORMERLY WILMINGTON STREET, AS SHOWN ON MAP FILED IN THE ABOVE-MENTIONED CASE, AT THE NORTHWEST CORNER OF THAT CERTAIN 4.64 ACRE PARCEL OF LAND CONVEYED TO WITFIELD CHEMICAL CORPORATION, BY DEED RECORDED IN BOOK D2519 PAGE 270, OFFICIAL RECORDS OF SAID COUNTY; THENCE ALONG THE WEST LINE OF SAID 4.64 ACRE PARCEL.

PARCEL 2:

THAT PORTION OF THE 398.11 ACRE TRACT IN RANCHO SAN PEDRO, IN THE CITY OF CARSON, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, ALLOTTED TO ANA JOSEFA DOMINGUEZ DE GUYER BY THE FINAL DECREE OF PARTITION OF A PORTION OF SAID RANCHO HAS IN LOS ANGELES COUNTY, CASE NO. 3284, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE SOUTH LINE OF 223RD STREET, FORMERLY WILMINGTON STREET, AS SHOWN ON MAP FILED IN THE ABOVE-MENTIONED CASE, AT THE NORTHWEST CORNER OF THAT CERTAIN 10 ACRE PARCEL OF LAND CONVEYED TO AMERICAN CHEMICAL CORPORATION, BY DEED RECORDED IN BOOK D533 PAGE 307, OFFICIAL RECORDS OF SAID COUNTY; THENCE ALONG THE SOUTH LINE OF 223RD STREET.

PARCEL 3:

THAT PORTION OF THE 398.11 ACRE TRACT IN RANCHO SAN PEDRO, IN THE CITY OF CARSON, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, ALLOTTED TO ANA JOSEFA DOMINGUEZ DE GUYER BY THE FINAL DECREE OF PARTITION OF A PORTION OF SAID RANCHO HAS IN LOS ANGELES COUNTY, CASE NO. 3284, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE SOUTH LINE OF 223RD STREET, FORMERLY WILMINGTON STREET, AS SHOWN ON MAP FILED IN THE ABOVE-MENTIONED CASE, AT THE NORTHWEST CORNER OF THAT CERTAIN 10 ACRE PARCEL OF LAND CONVEYED TO AMERICAN CHEMICAL CORPORATION, BY DEED RECORDED IN BOOK D533 PAGE 307, OFFICIAL RECORDS OF SAID COUNTY; THENCE ALONG THE SOUTH LINE OF 223RD STREET.

APN: 7315-008-029 and 7315-008-030

CITY OF CARSON
COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION
EXHIBIT "B"

CONDITIONS OF APPROVAL
CONDITIONAL USE PERMIT NO. 965-14
RELOCATION REVIEW NO. 3049-15

GENERAL CONDITIONS

1. If a building permit for Conditional Use Permit No. 965-14 and Relocation Review No. 3049-15 is not issued within one year of their effective date, said permit shall be declared null and void unless an extension of time is previously approved by the Planning Commission.
2. 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.
3. 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.
4. The applicant shall comply with all city, county, state and federal regulations applicable to this project.
5. The applicant shall make any necessary site plan and design revisions to the site plan and elevations approved by the Planning Commission 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. Any revisions shall be approved by the Planning Division prior to Building and Safety plan check submittal.
6. 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.
7. 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.

8. A modification of the conditions of this permit, including additions or deletions, may be considered upon filing of an application by the owner of the subject property or his/her authorized representative in accordance with Section 9173.1 of the Zoning Ordinance.
9. It is further made a condition of this approval that if any condition is violated or if any law, statute 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.
10. Precedence of Conditions. If any of the Conditions of Approval alter a commitment made by the applicant in another document, the conditions enumerated herein shall take precedence unless superseded by a Development Agreement, which shall govern over any conflicting provisions of any other approval.
11. City Approvals. All approvals by City, unless otherwise specified, shall be by the department head of the department requiring the condition. All agreements, covenants, easements, deposits and other documents required herein where City is a party shall be in a form approved by the City Attorney. The Developer shall pay the cost for review and approval of such agreements and deposit necessary funds pursuant to a deposit agreement.
12. Covenant, Conditions, and Restrictions (CC&Rs). Covenants, Conditions and Restrictions (CC&Rs) shall be established for the project. The applicant or successor in interest shall pay for the cost of review and approval of the CC&Rs by the City Attorney. The CC&Rs shall provide for proper maintenance of the property and include other necessary conditions to carry out the terms herein, and shall be enforceable by the City, and recorded prior to development of any parcels. An initial deposit of \$5,000.00 is required to cover processing costs. The applicant shall pay the cost for review and approval of such agreements and deposit necessary funds pursuant to a deposit agreement.
13. Deposit Account. A trust deposit account shall be established for all deposits and fees required in all applicable conditions of approval of the project. The trust deposit shall be maintained with no deficits. The trust deposit shall be governed by a deposit agreement. The trust deposit account shall be maintained separate from other City funds and shall be non-interest bearing. City may make demands for additional deposits to cover all expenses over a period of 60 days and funds shall be deposited within 10 days of the request therefore, or work may cease on the Project.
14. Indemnification. The 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, or in any way related to the approval of the

City, its advisory agencies, appeal boards, or legislative body concerning Conditional Use Permit No. 965-14 and Relocation Review No. 3049-15. The applicant shall provide a deposit in the amount of 100 percent of the City's estimate, in its sole and absolute discretion, of the cost of litigation, including the cost of any award of attorney's fees, and shall make additional deposits as requested by the City to keep the deposit at such level. The City may ask for further security in the form of a deed of trust to land of equivalent value. If the applicant fails to provide or maintain the deposit, the City may abandon the action and the applicant shall pay all costs resulting therefrom and the City shall have no liability to the applicant.

15. *Approval of Conditional Use Permit No. 965-14 is intended to be temporary. As a result, Conditional Use Permit No. 965-14 will expire five years from February 24, 2015, unless an extension of time is requested prior to expiration and approved by the Planning Commission.*

FENCE/WALLS

16. *The chain-link fence located at the front of the lot shall be removed. Decorative tubular steel fencing with screening material constructed of solid opaque material shall be used as a replacement.*

LANDSCAPE/IRRIGATION

17. Comply with the provisions of Section 9168 of the Zoning Ordinance, "Water Efficient Landscaping."
18. Landscaping shall be provided with a permanently installed, automatic irrigation system and operated by an electrically-timed controller station set for early morning or late evening irrigation.
19. The proposed irrigation system shall include best water conservation practices.
20. Installation of 6" x 6" concrete curbs are required around all landscaped planter areas, except for areas determined by National Pollutant Discharge Elimination System (NPDES) permit or other applicable condition of approval that requires certain landscaped areas to remain clear of concrete curbs for more efficient storm water 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.
21. Installation, maintenance, and repair of all landscaping shall be the responsibility of the property owner.

22. Prior to issuance of building permit, the applicant shall submit two sets of landscape and irrigation plans drawn, stamped, and signed by a licensed landscape architect. Such plans are to be approved by the Planning Division.
23. *The applicant shall replace any dead vegetation with new vegetation of the same type and similar size and ensure that the other landscaping areas are properly maintained.*

PARKING

24. All driveways shall remain clear. No encroachment into driveways shall be permitted.
25. All areas used for movement, parking, loading, or storage of vehicles shall be paved and in accordance with Section 9162.0 of the Zoning Ordinance.
26. *Parking shall be restricted to the number of spaces approved on the Site Plan.*
27. *The truck yard shall be limited to support up to 25 trucks incoming and 25 trucks outgoing per day.*

TRASH

28. Trash collection shall comply with the requirements of the City's trash collection company.
29. Trash enclosures shall measure a minimum of fourteen (14) feet wide by six (6) feet deep as required by the City's trash collection company.
30. The trash enclosure and recycling area shall be located on a four inch concrete pad screened by a six foot high decorative concrete block wall that is compatible with the architectural design of the main building. A painted metal, self-closing door shall be used for enclosing the entrance to the trash and recycling areas.
31. Recycling areas shall be provided in accordance with Sections 9164.4 and 9164.5 of the Zoning Ordinance. The number and size of recycling facilities are subject to the Planning Division.
32. Prior to issuance of building permit, the trash and recycling area enclosure design is to be approved by the Planning Division.

FIRE DEPARTMENT

33. The proposed development shall obtain approval and comply with all Los Angeles County Fire Department requirements (i.e. fire hydrant installations and fire flow requirements).

BUSINESS LICENSE

34. All parties involved in the subject project including to but not limited to contractors and subcontractors are required to obtain a city business license per Section 6310 of the Carson Municipal Code.

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