



CITY OF CARSON

PLANNING COMMISSION STAFF REPORT

PUBLIC HEARING: October 27, 2015

SUBJECT: Conditional Use Permit No. 877-11 Modification No. 2

APPLICANT: KL Fenix Corporation
19401 S. Main Street, Suite 301
Gardena, CA 90248

REQUEST: Approve a modification to a Conditional Use Permit to modify the operating hours for a truck yard from 8:00 a.m. to 6:00 p.m. Monday to Friday to a 24-hour operation

PROPERTY INVOLVED: 19101 S. Broadway Street

COMMISSION ACTION

☐ Concurred with staff

☐ Did not concur with staff

☐ Other

COMMISSIONERS' VOTE

<u>AYE</u>	<u>NO</u>		<u>AYE</u>	<u>NO</u>	
		Chairman Diaz			Mitoma
		Vice-Chair Madrigal			Post
		Andrews			Schaefer
		Faletogo			Thomas
		Guidry			

Item No. 11-B

I. Introduction

Property Owner and Applicant

KL Fenix Corporation, 19401 S. Main Street, Suite 301, Gardena, CA 90248

Project Address

19101 S. Broadway Street, Carson, CA

Project Description

The applicant requests the approval of modification to conditional use permit to allow 24-hour operation of a truck yard business on a 2.7-acre site with 76 proposed semi-diesel truck spaces and 5 parking spaces for the trucks/guest vehicles to be located in the MH-D-ORL (Manufacturing Heavy, Design Overlay Review, Organic Refuse Landfill) zoning district.

The property has been approved and is currently being developed to accommodate a truck yard business with 76 diesel truck spaces and a 5,166 square-foot office. The yard will be used for storing shipping containers overnight from the Port of Long Beach.

Current Improvements

The site is currently improved with a parking lot and perimeter CMU wall.

II. Project Site and Surrounding Land Uses

The project site is located near the intersection of S. Broadway Street and S. Main Street.

Site Information	
General Plan Land Use	Heavy Industrial
Zone District	MH-D-ORL (Manufacturing, Heavy - Design Overlay – Organic Refuse Landfill)
Site Size	2.7 acres
Present Use and Development	Truck Yard
Surrounding Uses/Zoning	North: Bus Depot zoned ML-D South: Dominguez Channel East: Vehicle Storage zoned MH-D West: Dominguez Channel
Access	Ingress/Egress: S. Broadway Street

Previous Discretionary Permits

The following is a list of the discretionary permits of record:

1. Special Use Permit No. 5-68 for an expansion of a waste disposal facility was approved on January of 1969.

2. Variance No. 413-99 was approved for deviation from CMC Section 9162.0 (Paving and Drainage of Vehicular Areas) in May 1999.
3. Conditional Use Permit No. 877-11 for a truck yard business with no office building was approved on May 14, 2013.
4. General Plan Amendment No. 88-10, changing the land use designation from light industrial to heavy industrial and Conditional Use Permit No. 878-11 for development of an organic refuse landfill site was approved on June 18, 2013.
5. Design Overlay Review No. 1541-14 for construction of a 5,166-square-foot office Building, Modification No. 1 to Conditional Use Permit No. 877-11 for operation of a truck yard business with 76 diesel truck spaces, and Variance No. 552-14 for reduction of the 25-foot front yard setback was approved on June 10, 2014.

Public Safety Issues

None.

III. Analysis

The currently the hours of operation approved by CUP 877-11 are from 8:00 a.m. to 6:00 p.m. Monday to Friday. According to the applicant, the hours of operation for the Port are Monday through Friday from 8:30 a.m. to 3:00 a.m., 8:30 a.m. to 4:30 p.m. on Saturdays and closed on Sundays. During Port's operating hours at night, containers will be brought to the site for over-night storage. Therefore, the applicant is requesting a 24-hour operation; refer to Condition of Approval No. 12.

An estimated 45 daily trucks trips will be routed to the 405 Freeway, which is located 750 feet to the south. In addition, truck drivers will be informed to adhere to the City's truck routes and avoid residential areas; refer to Condition of Approval No. 20. The 15-acre Los Angeles County Metropolitan Transit Agency bus depot facility to the north of the project site operates 24-hours a day. In addition, Broadway is a designated truck route with direct access to the 405 Freeway. Therefore, the proposed change in the hours of operation is consistent with the surrounding areas.

However, in the future, this neighborhood may transition to less intense uses. Staff has received potential development inquiries regarding properties between Main Street and Broadway. Some of these inquiries include residential and commercial developments. Staff believes there may be some merit to such proposals since there is an abrupt land use transition from residential to industrial along Main Street without a benefit of a land use buffer.

These potential future residential or commercial uses may not be compatible with a truck intensive 24-hour operation proposed by the applicant. Staff would like to preserve some long term land use flexibility for this area. Therefore, staff is recommending Condition of Approval No. 21 requiring the property owner and the owner/business operator file for a Planning Manager determination that the proposed use is still compatible with the surrounding uses. The property owner and business owner/operator will be required to file this determination with the Planning Manager once every 36 months after the approval of the project. Staff will review the use to

ensure that there are no negative impacts to the adjacent neighborhood. If neighborhood compatibility issues arise, the owner/business operator will be required to take appropriate measures to minimize or eliminate compatibility issues such as noise and odor. In addition, if the Planning Manager determines there are compatibility issues, he/she will make a recommendation to the Planning Commission to revert back the hours of operation to 8:00 a.m. to 6:00 p.m. Monday to Friday.

IV. Environmental Review

Pursuant to Section 15332, In-Fill Development Projects, of the California Environmental Quality Act (CEQA) Guidelines the proposed project is categorically exempt and there is no substantial evidence that the project may have a significant effect on the environment.

V. Recommendation

That the Planning Commission:

- **WAIVE** further reading and **ADOPT** Resolution No._____, APPROVING MODIFICATION NO. 2 TO CUP NO. 877-11 TO MODIFY THE OPERATING HOURS FOR A TRUCK YARD FROM 8:00 A.M. TO 6:00 P.M. MONDAY TO FRIDAY TO A 24-HOUR OPERATION TO BE LOCATED AT 19101 S. BROADWAY.

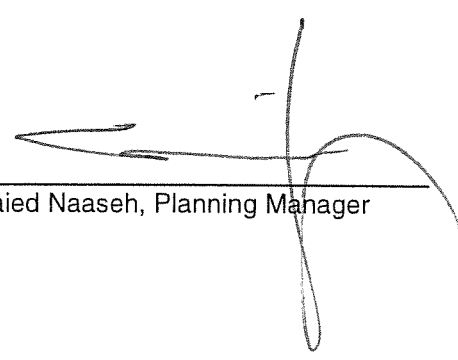
VI. Exhibits

1. Draft Resolution and "Exhibit A" (Legal Description)
2. Development Plans

Prepared by:


Richard Rojas, AICP, Senior Planner

Reviewed by:


Saied Naaseh, Planning Manager

CITY OF CARSON
PLANNING COMMISSION
RESOLUTION NO. 14-2518

**A RESOLUTION OF THE PLANNING COMMISSION OF
THE CITY OF CARSON APPROVING MODIFICATION NO.
2 TO CUP NO. 877-11 TO MODIFY THE OPERATING
HOURS FOR A TRUCK YARD FROM 8:00 A.M. TO 6:00
P.M. MONDAY TO FRIDAY TO A 24-HOUR OPERATION
TO BE LOCATED AT 19101 S. BROADWAY.**

**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 Felipe Segovia with respect to real property located at 19101 S. Broadway and described in Exhibit "A" attached hereto requesting approval of Modification No. 2 to Conditional Use Permit No. 877-11 to modify the operating hours for a truck yard from 8:00 a.m. to 6:00 p.m. Monday to Friday to a 24-hour operation on an Organic Refuse Landfill site zoned MH-ORL-D (Manufacturing, Heavy – Organic Refuse Landfill – Design Overlay).

Section 2. A public hearing was duly held on October 27, 2015, at Carson City Hall, Helen Kawagoe Council Chambers, 701 East Carson Street, Carson, California. A notice of the time, place, and purpose of the aforesaid meeting was duly given. Evidence, both written and oral, was duly presented to and considered by the Planning Commission at said hearing.

Section 3. The Planning Commission finds that:

- a) The proposed use and development will be consistent with the General Plan. The truck yard with 24-hour operation is compatible with the surrounding area and the proposed project is consistent with the General Plan goals and policies for heavy industrial use.
- b) The site is adequate in size, shape, topography, location, utilities, and other factors to accommodate the proposed use and development. Staff has reviewed the project and determined that the site can accommodate the proposed use and development.
- c) There will be adequate street access and traffic capacity. The existing and planned street system and proximity to the 405 and 91 Freeways have adequate capacity to handle traffic levels from the proposed truck yard use.
- d) There will be adequate water supply for fire protection. The County Fire Department has reviewed the proposed project and concludes that adequate water supply exists to meet current and anticipated fire suppression needs.

- e) The proposed use and development will be compatible with the intended character of the area. To ensure that the use remains compatible with the character of the area, the owner/business operator will be required to file a Planning Manager determination every three years. Staff will review the use to ensure that there are no negative impacts to the adjacent neighborhood. If neighborhood compatibility issues arise, the owner/business operator will be required to take appropriate measures to minimize or eliminate compatibility issues such as noise and odor. In addition, if the Planning Manager determines there are compatibility issues, he/she will make a recommendation to the Planning Commission to revert back the hours of operation to 8:00 a.m. to 6:00 p.m. Monday to Friday.
- f) The required findings pursuant to Section 9172.21 (D) "Conditional Use Permit" Approval Authority and Findings and Decision", can be made in the affirmative.

Section 4. Pursuant to Section 15332, "In-Fill Development Projects", of the California Environmental Quality Act (CEQA) Guidelines the project is categorical exempt and no substantial evidence exists that the project may have a significant effect on the environment. As such, the Planning Commission hereby approves the Categorical Exemption.

Section 5. Based on the aforementioned findings, the Planning Commission hereby approves Modification No. 2 to Conditional Use Permit No. 877-11 to permit 24-hour operation of a truck yard for the property described in Exhibit "A".

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

PASSED, APPROVED AND ADOPTED THIS 27TH DAY OF OCTOBER, 2015.

CHAIRMAN

ATTEST:

SECRETARY



EXHIBIT "A"

That certain real property located in the County of Los Angeles, State of California, described as:

That portion of Lot 166 of Tract 4671 in the City of Carson, County of Los Angeles, State of California, as per map recorded in Book 56 Pages 30 and 31 of Maps, in the Office of the County Recorder lying Westerly of the center line and its Southerly prolongation of that portion of Broadway 100 feet wide extending Southerly from the Northerly line of said Lot 116 as condemned by the final decree of condemnation entered in Case No. 274177, Superior Court, Los Angeles County, a certified copy of said decree being recorded in Book 12339 Page 97, official records.



CITY OF CARSON
ECONOMIC DEVELOPMENT
PLANNING DIVISION
EXHIBIT "B"

CONDITIONS OF APPROVAL
MODIFICATION NO. 2 TO CONDITIONAL USE PERMIT NO. 877-11

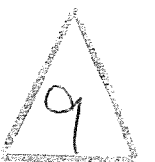
GENERAL CONDITIONS

1. If a building permit for said use is not issued within one year of the date of approval of Modification No. 2 to Conditional Use Permit No. 877-11 said permits shall be declared null and void unless an extension of time is requested prior to expiration and approved by the Planning Commission.
2. Upon activation, the zoning entitlements shall become automatically null and void if said use has been suspended or has ceased to exist for a period of one year, unless an extension of time is requested prior to expiration and approved by the Planning Commission.
3. 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.
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 minor revisions shall be reviewed and 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. 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.

8. 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.
9. In accordance with CMC Section 9148.9, the owner/applicant shall:
 - a. Remove any chain-link fencing visible from the public right-of-way and replace with decorative masonry walls, such as split-face, stucco block, or slumpstone and approved by the Planning Division;
 - b. All chain-link gates visible from the public right-of-way shall be replaced with wrought iron gates with opaque screening with a Fire Department emergency access approved device;
 - c. Shall provide new landscaping via 24-inch box trees and evergreen shrubs and ground cover in the planting strip along the public right-of-way via an automatic irrigation system;
 - d. Landscape and irrigation plans shall be submitted and signed by a landscape architect for Planning Division approval; and
 - e. Said landscaping and fencing shall be provided within 90 to 120 days or sooner from date of Planning Commission approval.
 - f. Landscape architect shall coordinate with the City's Stormwater Quality Programs Manager to develop a "bio-swale" within the landscaped areas fronting on Broadway Street to capture and treat stormwater run-off from the subject site.
10. Chain-link fencing, including barbed and concertina wire, shall be prohibited.
11. All parking areas shall be re-slurried and re-stripped in compliance with CMC requirements. Areas for truck parking currently without asphalt shall be provided with new asphalt in compliance with CMC Section 9162.0 which requires that the minimum thickness of the paving and base to be determined by an on-site pavement study completed by a licensed soils engineer approved by the Public Works Director. Said asphalt work to be completed within 90 to 120 days or sooner.
12. ***The truck yard hours of operation shall be 24-hours Monday through Saturday.***
13. Trucks shall not be parked on public streets during hours of operation, overnight or on weekends.



14. The owner/applicant shall comply with all LA County Fire Department emergency vehicle safety access and fire flow/fire hydrant location requirements.
15. The owner/applicant shall submit for a separate sign permit for Planning Division approval if a business sign is proposed.
16. **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.
17. **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.
18. **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.
19. 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 Modification No. 2 to Conditional Use Permit No. 877-11. 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. 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.

20. A traffic circulation plan shall be submitted designating the truck routes to be utilized as a means of minimizing impacts to residential areas. The plan shall be approved by the City's traffic engineer prior to issuance of a building permit. The owner/applicant will establish a driver education program to provide compliance with the approved plan.
21. ***Within 36 months from October 27, 2015, the owner/applicant shall request a determination of compatibility with the Planning Division to ensure the compatibility of the 24-hour operation of the use with the adjacent neighborhood. The Planning Manager shall make the compatibility determination. If the Planning Manager determines neighborhood compatibility in regards to noise and odor issues are present, the property owner and owner/business operator will be responsible for taking appropriate measures to minimize or eliminate problems. In addition if compatibility issues arise, the Planning Manager shall recommend to the Planning Commission to revert back the hours of operation to 8:00 a.m. to 6:00 p.m. Monday to Friday. The owner/applicant shall file such determination every 36 months thereafter. The applicant's failure to file such determination may cause the initiation of the revocation process for Modification No. 2 to Conditional Use Permit No. 877-11.***
22. ***The owner/applicant shall comply with all applicable conditions for Design Overlay Review No. 1541-14, Modification No. 1 to Conditional Use Permit No. 877-11 and Variance No. 552-14.***

