

CITY OF CARSON
PLANNING COMMISSION
RESOLUTION NO. 20-2696

**A RESOLUTION OF THE PLANNING COMMISSION OF
THE CITY OF CARSON APPROVING SITE PLAN AND
DESIGN OVERLAY REVIEW NO. 1745-18 AND
CONDITIONAL USE PERMIT NO. 1074-18, AND
RECOMMENDING TO THE CITY COUNCIL APPROVAL
OF SPECIFIC PLAN NO. 18-18, GENERAL PLAN
AMENDMENT NO. 108-18, ENTITLEMENT AGREEMENT
NO. 24-18, MITIGATED NEGATIVE DECLARATION AND
MITIGATION MONITORING AND REPORTING
PROGRAM FOR A PROPOSED CARGO CONTAINER
PARKING FACILITY AT 20601 S MAIN STREET.**

WHEREAS, on October 10, 2018, the Department of Community Development received an application from KL Fenix Corporation (sometimes, “Developer”) for real property located at 20601 S. Main Street and legally described in Exhibit “A” attached hereto, requesting approval of Design Overlay Review No. 1745-18, Conditional Use Permit No. 1074-18 and Specific Plan No. 18-18, with the expectation that Developer would follow up with applications for a General Plan Amendment and Development Agreement, to construct a 53,550 square foot tilt-up warehouse building and 475 truck and container parking spaces, in connection with development of a Cargo Container Parking facility. On May 26, 2020, Developer submitted applications for General Plan Amendment No. 108-18 and Entitlement Agreement No. 24-18 in connection with such proposed project; and

WHEREAS, after notice of the time, place and purpose of the public hearing was duly given, the Planning Commission held a public hearing and heard testimony and considered all factors both oral and written on the 27th day of May, 2020 and the 29th day of July, 2020, to consider Developer’s applications.

**NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF
CARSON, CALIFORNIA, HEREBY RESOLVES AS FOLLOWS:**

SECTION 1. The Planning Commission finds that the foregoing recitals are true and correct, and are incorporated herein by reference.

SECTION 2. The Planning Commission finds as follows:

1. With respect to **Site Plan and Design Review No. 1745-18** to construct a 53,550 square foot warehouse building, 75 truck parking spaces and 400 container parking spaces:
 - a) The proposed project, the use of which is allowed in the Heavy Industrial General Plan Land Use Designation, will be consistent with the General Plan of the City of Carson with the approval of General Plan Amendment No. 108-18. The project site has a General Plan Land Use designation of Mixed-Use Business Park and the applicant proposes to amend this designation to Heavy Industrial.

- b) The proposed project is currently compatible in 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, open spaces, and other features relative to a harmonious and attractive development of the area. The elevations of the proposed warehouse building includes vast expanses of glass and provides architectural interest to be compatible with the surrounding light industrial, office and retail uses.
- c) The proposed development's revised Site Plan incorporating all the conditions set forth for the project shall provide for convenience and safety of circulation for pedestrians and vehicles. The proposed development will have adequate street access for pedestrian and vehicles, and also adequate capacity for parking and traffic. The project site will be accessed through one driveway off of Main Street which will be restricted to vehicular traffic only, and one driveway off of Figueroa Street for ingress/egress of truck traffic. Carson Municipal Code Section 9162.21 (Parking Spaces Required) requires 1 parking space for every 1,500 square-feet of gross floor area for warehouse purposes and 1 space for every 300 square feet of office space. The proposed warehouse and office building requires 74 parking spaces: 27 for warehouse ($39,500 \text{ sf}/1,500 = 26.33$) and 47 for office ($14,050 \text{ sf}/300 = 46.83$). The applicant proposes 115 parking spaces; 101 standard stalls, 4 ADA compliant parking stalls and 10 EV vehicle stalls.
- d) The proposed Cargo Container Parking facility has approximately 456 feet of lot frontage along Main Street. All signage associated with this project will be reviewed and approved as a separate Sign Program and will exhibit attractiveness, effectiveness and restraint in signing graphics and color.
- e) The proposed Cargo Container Parking facility will be constructed in one single phase.
- f) The proposed landscape plan will comply with applicable water conservation requirements. Permanent irrigation utilizing best water conversation practices will be installed for both on-site and off-site landscaped areas. New landscape will be installed throughout the site providing shade to vehicles and enhancing the visual attractiveness from adjoining streets and walkways.
- g) The proposed Cargo Container Parking facility will be compatible with Specific Plan No. 18-18 and the design standards and guidelines contained therein which, if Specific Plan No. 18-18 is approved by the City Council, will have been adopted pursuant to CMC Section 9172.15.
- h) The proposed Cargo Container Parking facility will not be incompatible with the character of the surrounding uses. The proposed use is intended as a temporary use for 10 years, with possible permanent vesting depending on how the surrounding areas get developed, as more particularly detailed in Entitlement Agreement No. 21-19. Depending on how the surrounding areas get developed after which time certain compatibility determinations will be made, if the proposed cargo parking facility is found compatible, the use may be allowed to remain permanently. Otherwise the Developer will be required to cease its Cargo Container Parking operations and bring the property into conformance with the surrounding uses. Therefore, approval of Site Plan and Design Review No. 1745-18 is conditioned upon how the surrounding areas get developed, in accordance with Entitlement Agreement No. 21-19.

2. With respect to **Conditional Use Permit (CUP) No. 1074-18** to construct a 53,550 square foot warehouse building, 75 truck parking spaces and 400 container parking spaces on a Site Designated as Organic Refuse Landfill (ORL) overlay:
 - a) The proposed project, the use of which is allowed in the Heavy Industrial General Plan Land Use Designation, will be consistent with the General Plan of the City of Carson with the approval of General Plan Amendment No. 108-18. The project site has a General Plan Land Use designation of Mixed-Use Business Park and Developer is proposing an amendment to Heavy Industrial.
 - b) The project site is adequate in size, shape, topography, location, utilities, and other factors to accommodate the proposed cargo container parking facility.
 - c) The proposed development will have adequate street access for pedestrian and vehicles, and also adequate capacity for parking and traffic. Two driveways, one along Main Street and one along Figueroa Street will provide access to the site. Truck ingress and egress to and from the site will be through one driveway along Figueroa Street while Main Street access will be restricted to vehicular traffic only. Regional access to the site from freeways will require no driving on residential streets by utilizing the Figueroa Street exit of the 110 Freeway on/off ramps, Del Amo Boulevard and Figueroa Street which are all truck routes. A total of 400 cargo container parking spaces and 75 truck parking spaces are proposed for the site. The proposed Cargo Container Parking facility requires 74 parking spaces: 27 for warehouse ($39,500 \text{ sf}/1,500 = 26.33$) and 47 for office ($14,050 \text{ sf}/300 = 46.83$). Developer proposes 115 parking spaces; 101 standard stalls, 4 ADA compliant parking stalls and 10 EV vehicle stalls.
 - d) The County Fire Department has reviewed the originally proposed project and concluded that adequate water supply exists to meet current and anticipated fire suppression needs. However, Developer will have to obtain approvals from County Fire Department for the revised project design before the issuance of building permits. Any approval of Conditional Use Permit (CUP) No. 1074-18 will be conditioned upon County Fire Department's approval of the revised project design.
 - e) The proposed Cargo Container Parking facility will not be incompatible with the intended character of the area. The proposed use is intended as a temporary use for 10 years, with possible permanent vesting depending on how the surrounding areas get developed, as more particularly detailed in Entitlement Agreement No. 21-19. Depending on how the surrounding areas get developed after which time certain compatibility determinations will be made, if the proposed cargo parking facility is found compatible, the use may be allowed to remain permanently. Otherwise the Developer will be required to cease its Cargo Container Parking operations and bring the property into conformance with the surrounding uses. Therefore, approval of Conditional Use Permit (CUP) No. 1074-18 is conditioned upon how the surrounding areas get developed, in accordance with Entitlement Agreement No. 21-19.

3. With respect to **Specific Plan (SP) No. 18-18**, KL Fenix Cargo Container Parking Specific Plan, dated July 2020, the Planning Commission finds that:

- a) The Specific Plan does fully comply with the requirements of California Government Code Section 65451 in that it contains text and diagram(s) specifying in detail:
 - i. The proposed distribution, location, extent and intensity of major components of public and private transportation, sewage, water,

drainage, solid waste disposal, energy and other essential facilities proposed to be located within the area covered by the Plan and needed to support the land uses as described in the Specific Plan. The Specific Plan includes Section VI (Building Form and Design Guidelines), Section IX (Traffic, Circulation and Parking Demand Management) and Section X (Sustainability Features), which are among the sections that address these concepts.

- ii. A program of implementation measures including regulations, programs, public works projects and financing measures necessary to carry out the project. The proposed Specific Plan includes Section XI (Implementation) which is among the sections that address these concepts.
- iii. Standards and criteria by which development will proceed, and standards for the conservation, development and utilization of natural resources, where applicable. The proposed Specific Plan includes Section V (Specific Plan Development Standards), Section VI (Building Form and Design Guidelines), Section VIII (Landscape Guidelines) and Section X (Sustainability Features), which are among the sections that address these concepts.
- iv. The relationship of the Specific Plan to the General Plan. Section IV (Relationship to the City's General Plan and Zoning Ordinance) of the Specific Plan contains an analysis of the consistency between the proposed Project, including the Specific Plan and the proposed General Plan Amendment. The Planning Commission has reviewed the analysis and determined that consistency between the Specific Plan and the General Plan Amendment is established.
- v. The distribution, location, and extent of the uses of land, including open space, within the area covered by the Specific Plan. Section I (Introduction & Project Description) and Section II (Existing & Surround Area) of the proposed Specific Plan provide descriptions, text and exhibits that outline the areas covered by the plan, and the goals and objectives of the plan.

b) The Specific Plan is consistent with the General Plan, as amended pursuant to General Plan Amendment No. 108-18. Section IV (Relationship to the City's General Plan and Zoning Ordinance) of the Specific Plan contains an analysis of the consistency between the proposed Project, including the Specific Plan, and the proposed General Plan Amendment. The Planning Commission has reviewed the analysis and determined that consistency between the Specific Plan and the General Plan Amendment is established.

4. With respect to **General Plan Amendment No. 108-18**, the Planning Commission finds that:

- a) The proposed General Plan Amendment is consistent with the City's General Plan goals and policies. The proposed project advances the General Plan's goals and policies related to land use, transportation and economic development.
 - i. The proposed project supports General Plan goal LU-14 by making productive reuse of a brownfield site as Developer seeks to construct upon the site a 53,550 square foot tilt-up warehouse building, 75 truck parking

spaces and 400 container parking spaces, in connection with development of a Cargo Container Parking facility. The facility would be used to mobilize both imported and exported goods that pass through the Ports of Los Angeles and Long Beach.

- ii. The proposed project supports General Plan goal ED-11 by adapting reuse and redevelopment of “brownfields” as Developer seeks to construct upon the site a 53,550 square foot tilt-up warehouse building, 75 truck parking spaces and 400 container parking spaces, in connection with development of a Cargo Container Parking facility. The facility would be used to mobilize both imported and exported goods that pass through the Ports of Los Angeles and Long Beach.
- iii. The proposed project supports General Plan policy TI-1.3 by ensuring that the City’s designated truck routes provide efficient access to and from the I-110 Freeway as the project will require all truck access to and from the site to be via Figueroa Street. The property is located off of Figueroa Street directly across the street from the I-110 Freeway.
- iv. The proposed project supports General Plan policy TI-3.2 by creating disincentives for traffic traveling through neighborhoods, without impacting adjacent residential streets, as the project will require all truck access to and from the site to be via Figueroa Street, away from and not impacting residential neighborhoods. The property is located off of Figueroa Street directly across the street from the I-110 Freeway.

b) The General Plan Amendment will ensure consistency between the KL Fenix Cargo Container Parking Specific Plan and the General Plan. The General Plan amendment will establish a “Heavy Industrial” Land Use Designation for the KL Fenix Cargo Container Parking Specific Plan area to replace the site’s existing Mixed-Use Business Park General Plan designations. The Specific Plan is consistent with the General Plan Land Use Element goals, policies and objectives.

5. With respect to Entitlement Agreement No. 21-19 to permit the KL Fenix Cargo Container Parking facility,

- a) The Entitlement Agreement is authorized by and satisfies the requirements of Government Section Code 65864 through 65869.5.
- b) The Entitlement Agreement is consistent with the goals and objectives of the City’s General Plan.
- c) The Entitlement Agreement supports General Plan goal LU-1: productive reuse of “brownfield” sites.

Evidence: the Entitlement Agreement proposes development and productive reuse of a brownfield site as Developer seeks to construct upon the site a 53,550 square foot tilt-up warehouse building, 75 truck parking spaces and 400 container parking spaces, in connection with development of a Cargo Container Parking facility. The facility would be used to mobilize both imported and exported goods that pass through the Ports of Los Angeles and Long Beach.

- d) The Entitlement Agreement supports General Plan goal ED-11: adaptive reuse and redevelopment of “brownfields.”

Evidence: the Entitlement Agreement proposes an adaptive reuse and redevelopment of “brownfields” as Developer seeks to construct upon the site a 53,550 square foot tilt-up warehouse building, 75 truck parking spaces and 400 container parking spaces, in connection with development of a Cargo Container Parking facility. The facility would be used to mobilize both imported and exported goods that pass through the Ports of Los Angeles and Long Beach.

- e) The Entitlement Agreement supports General Plan policy TI-1.3: ensure that the City’s designated truck routes provide efficient access to and from the I-405, I-110 and Route-91 Freeways, as well as the Alameda Corridor.

Evidence: the Entitlement Agreement requires all truck access to and from the site to be via Figueroa Street. The property is located off of Figueroa Street directly across the street from the I-110 Freeway.

- f) The Entitlement Agreement supports General Plan policy TI-3.2: where feasible, create disincentives for traffic traveling through neighborhoods, without impacting adjacent residential streets.

Evidence: the Entitlement Agreement requires all truck access to and from the site to be via Figueroa Street, away from and not impacting residential neighborhoods. The property is located off of Figueroa Street directly across the street from the I-110 Freeway.

SECTION 3. The Planning Commission finds that the proposed project, as mitigated pursuant to the Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program for the Project, which are available for public review at <http://ci.carson.ca.us/CommunityDevelopment/Billboards.aspx> and are incorporated into this Resolution by reference (“MND”), will not have a significant effect on the environment.

SECTION 4. The Planning Commission of the City of Carson, based on the findings set forth above, does hereby approve Site Plan Design Review No. 1745-18 and Conditional Use Permit No. 1074-18, subject to Section 5 of this Resolution, and recommends that the City Council (1) approve General Plan Amendment No. 108-18, (2) approve Specific Plan No. 18-18, (3) approve Entitlement Agreement 24-18 and (4) approve the MND, subject to the Conditions of Approval set forth in Exhibit "B" attached hereto and incorporated herein by reference.

SECTION 5. Pursuant to CMC Sections 9141.12(A) and (B), the Secretary of the Planning Commission is hereby directed to refer the Planning Commission’s approval of Conditional Use Permit No. 1074-18 as set forth in this Resolution to the City Council for review as if an appeal had been filed pursuant to CMC Section 9173.4. As a condition precedent to use of the subject property under Conditional Use Permit No. 1074-18, Conditional Use Permit No. 1074-18 requires approval by the Building and Safety Division and the City Council of a report submitted by Developer pursuant to the applicable provisions of the Building Code, prepared by a licensed civil engineer designated by Developer and approved by the City, 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 use. The Building Official’s approval shall be submitted to the City Council for final approval which will be in the discretion of the Council.

SECTION 6. The Planning Commission declares that, should any provision, section, paragraph, sentence or word of this Resolution be rendered or declared invalid by any final court

action in a court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences or words of this Resolution as hereby adopted shall remain in full force and effect.

SECTION 7. The Secretary of the Planning Commission shall certify to the adoption of this Resolution.

SECTION 8. The Planning Commission's approval of Site Plan and Design Review No. 1745-18 and Conditional Use Permit No. 1074-18 shall become final and effective fifteen (15) days after the adoption of this Resolution and subject to approval of Entitlement Agreement No. 24-18, General Plan Amendment No. 108-18, Specific Plan No. 18-18, and the MND by City Council, unless an appeal is filed in accordance with Section 9173.4 of the CMC.

APPROVED and ADOPTED this 29th day of July, 2020.

Ramona Pimentel (COVID signature)

CHAIRPERSON

ATTEST:

Denise Bothe (COVID signature)

SECRETARY

EXHIBIT "A"

LEGAL DESCRIPTION

PARCEL 4, IN THE CITY OF CARSON, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 62 PAGE 68 OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPTING FROM THAT PORTION INCLUDED WITHIN LOTS 38, 39, AND 44 OF TRACT NO. 6378, ALL OIL, GAS, HYDROCARBON SUBSTANCES AND OTHER MINERALS IN AND UNDER SAID LAND WITH THE RIGHT TO DRILL FOR, MINE, EXTRACT, TAKE, AND REMOVE THE SAME FROM ANY WELLS OR SHAFTS LOCATED ON ANY LAND ADJACENT TO THE ABOVE DESCRIBED LAND WITHOUT ACCOUNTING TO THE GRANTEE FOR ANY RENTALS, ROYALTIES OR PROCEEDS FROM THE SALE OF SUCH MINERALS, AS RESERVED IN DEED FROM SUNSET OIL COMPANY, RECORDED AUGUST 2, 1944 IN BOOK 20925, PAGE 72 OF OFFICIAL RECORDS.

ALSO EXCEPT ALL OIL, GAS, AND OTHER HYDROCARBON SUBSTANCES AND ALL OTHER MINERALS IN AND UNDER SAID LAND (EXCEPT THE SOUTH 350 FEET OF LOTS 36 AND 37), AS RESERVED BY SUNSET OIL COMPANY, A CORPORATION IN DEED RECORDED JULY 1, 1955 IN BOOK 48230, PAGE 289 OF OFFICIAL RECORDS AND BY SUNSET INTERNATIONAL PETROLEUM CORPORATION, A CORPORATION IN DEED RECORDED JULY 20, 1960 IN BOOK D-916 PAGE 193 OF OFFICIAL RECORDS.

ALSO EXCEPT FROM SAID LAND THAT PORTION LYING WITHIN THE LINES OF LOT 91 TRACT NO. 4671, ALL OIL, GAS, PETROLEUM AND OTHER HYDROCARBON SUBSTANCES WHICH LIE BELOW A PLANE OF 500 FEET FROM THE SURFACE OF SAID LAND AS EXCEPTED IN THE DEED FROM DEL AMO ESTATE COMPANY, A CORPORATION, RECORDED NOVEMBER 8, 1963 IN BOOK D-2250 PAGE 748 OF OFFICIAL RECORDS.

ASSESSOR'S PARCEL NUMBER: 7336-003043

EXHIBIT “B”
CONDITIONS OF APPROVAL
SEE ATTACHED