



## CITY OF CARSON

### PLANNING COMMISSION STAFF REPORT

**PUBLIC HEARING:** May 28, 2020

**SUBJECT:** Site Plan and Design Review (DOR) 1745-18  
Conditional Use Permit (CUP) 1074-18  
Specific Plan (SP) 18-18  
General Plan Amendment (GPA) 108-18, Entitlement Agreement (DA) 24-18.

**APPLICANT:** KL Fenix Corporation  
19401 S. Main Street  
Gardena, CA 90248  
Attn: Segovia Felipe

**PROPERTY OWNER:** Young Kim  
KL Fenix Corporation  
19401 S. Main Street  
Gardena, CA 90248

**REQUEST:** Consideration of applicant's proposal for construction of 53,550-square-foot structure with 39,500 square feet of warehouse space, 14,050 square feet of office space, 6 loading docks, an open-air loading dock with 9 loading docks, 115 passenger vehicle parking spaces, 475 cargo container/truck spaces

**PROPERTY INVOLVED:** 20601 S. Main Street

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#### COMMISSION ACTION

AYE	NO		AYE	NO	
		Chairperson Pimentel			Palmer
		Vice-Chair Madrigal			Rahman
		Cainglet			Rashad
		Fe'esago			Valdez
		Mitoma			Alt. Diaz Alt. Hellurud Alt. Zuniga

***Item No. 5A***

## **I. Introduction**

### Applicant

KL Fenix Corporation  
19401 S. Main Street  
Gardena, CA 90248  
Attn: Segovia Felipe

### Property Owner

Young Kim  
KL Fenix Corporation  
19401 S. Main Street  
Gardena, CA 90248

### Site History

The subject property was occupied by the Gardena Valley Landfill No. 1 & 2 from 1956 until 1959 and accepted approximately 75% residential municipal waste and 25% construction or industrial wastes. Industrial waste included crude oil derivatives (crude oil and tank bottoms), paint sludge, auto wash sludge, latex, molasses, cutting oil, and other semi-liquids. The average depth of the waste materials is approximately 25 feet. The former landfill was capped with approximately 5 feet of soil at the termination of landfill operations in 1959. The site has remained vacant ever since.

### Project History

On March 20, 2018, the City Council adopted Interim Urgency Ordinance No. 18-1805U, extending a moratorium for 12 months on the establishment, expansion, or modification of truck yards, logistics facilities, hazardous materials or waste facilities, container storage, and container parking (Moratorium). Section 6 of this Ordinance allowed the City Council to grant exceptions.

On June 6, 2018 and July 24, 2018, the applicant filed a request for an exception to the moratorium and the City Council granted the exception at its regularly scheduled meeting of August 21, 2018. The exception enabled the applicant to file for the required entitlement applications.

The exception was granted with the following conditions:

- *Site Planning-* Building area limited to 53,550 square feet; no truck traffic on Torrance Boulevard or Main Street; no truck access to the subject property from Main Street; minimum 25' foot landscaped setback on Main Street and 20' foot setback on Figueroa Street; the Main Street setback to include two artistic sculptures or equivalent; minimum of 5' foot landscaped interior setback, 50' foot building setback from the street and 140' foot setback for truck loading areas from the southerly property line; architecture to include large areas of glass along the streets and areas visible from streets to offer an office building appearance; maximum of 6 truck loading doors for the warehouse building and 9 docks for the open air loading dock; minimum 8' foot high solid wall at the perimeter of the subject property; the location and design of driveways may change as determined by staff;
- *Use -* The use will be temporary in nature initially to be permitted for seven years from the date of issuance of the Certificate of Occupancy or final permit and with the possibility of three year automatic extensions; at the end of this period if the project is found to be consistent with Carson 2040 General Plan, Zoning Ordinance, and surrounding uses, an extension can be provided, alternately, the applicant would be required to make the project including all structures, architecture, setbacks, landscaped area, FAR, uses, etc. consistent with the

City's 2040 General Plan, Zoning designations, and surrounding areas at the time of the expiration of permits.

- *Operations* - Restrictions on operating hours for both Office Uses and Truck Operations; City to have access to all video surveillance cameras at all times to ensure trucks do not travel on Torrance Boulevard and Main Street; possibility to include language in the Development Agreement to levy fines of up to \$1,000 per occurrence if trucks originating or going to the site use Torrance Boulevard or Main Street; applicant to form, fund and participate in a Community Facilities District (CFD) and pay the Development Impact Fee (DIF) per established rates; the applicant is to deposit \$100,000 with the City which will be used to ensure compliance with the provisions of the Development Agreement as it relates to compliance during the operations as permitted under the Development Agreement ; applicant's failure to accomplish any of the imposed deadlines will result in fines of \$500 per day and this would be deducted from the applicant's deposited funds of \$100,000.

## **II. Project Description**

### **Use**

The applicant is proposing a "cargo container parking" facility on the project site. The Specific Plan defines this use as "the parking of a trailer, detached from the tractor unit, on which is loaded one (1) or more cargo containers. On-site operational activities would include the mobilization of either imported goods that have just arrived from the Ports of Los Angeles and Long Beach or exported goods that are in transit to the Ports. The project also includes a warehouse component within the proposed building.

Hours of operation for the proposed office are not restricted. Hours of operation for the proposed cargo container parking facility would be 6:00 a.m. to 2:00 a.m. Monday through Friday and 6:00 a.m. to 6:00 p.m. on Saturdays, and closed on Sundays, refer to COA # 57.

### **Structures and Vehicle Parking and Storage Spaces**

The proposal includes a 53,550-square-foot structure on the eastern portion of the 14.33 acre property with 39,500 square feet of warehouse space, 14,050 square feet of office space and 6 loading docks within a two-story building. The proposal also includes an open-air loading dock with 9 loading docks. The site plan includes 115 passenger vehicle parking spaces, 400 cargo container parking spaces and 75 truck parking spaces for a total of 475 cargo container/truck spaces (Truck Spaces).

### **Access**

The applicant's proposed Specific Plan and Site Plan are inconsistent with each other with respect to the number and location of the access points. Conditions of approval have been included to rectify this inconsistency (COA #18 & 60(d)). The site plan proposes vehicular access from two existing driveways on Main Street and two existing driveways on Figueroa Street.

### Setbacks

The proposed facility has a 25-foot setback along Main Street, a 20-foot setback along Figueroa Street and 5 foot of landscaped setbacks along Northern and Southern property lines. The building is setback 50 feet from the Southern property line and the loading docks are setback 150 feet from the same.

### Fencing

The Developer proposes an 8-foot high fencing all around the property. Fencing materials will be a combination of pre-cast concrete panel walls and wrought-iron fencing. Main Street will have only wrought-iron fencing, Northern and Southern property lines will have concrete panel walls which Figueroa Street side will have a combination of the two materials.

### Landscaping and Art

Since the site is a former landfill, landscaping will be provided in raised planter beds installed along the northern and southern perimeter wall. Developer will install new or will replace existing trees along Main Street and Figueroa Street.

In addition, the applicant is required to provide two artistic features along Main Street. (COA #27)

## **III. Required Applications**

The applicant is proposing the following concurrent applications:

- General Plan Amendment

The General Plan Land Use Designation for the subject property is MU-BP (Mixed-Use Business Park). There are two types of Business Park Designations in the General Plan. Carson General Plan section 4.3 defines these land use designation as follows:

*Business Park: "The Business Park designation is intended to provide an attractive, high quality industrial/business park primarily for offices, light manufacturing and assembly, and research and development. Warehousing of a small scale (for example, no more than one ground level loading door per x square feet of building) in conjunction with a permitted primary use will be allowed.....Both scales of Business Park are intended to provide harmonious transition to residential development and neighborhoods by:*

- 1) conducting all business activities and essentially all storage inside buildings*
- 2) consisting of low profile, high quality, and attractive buildings that are compatible with existing and anticipated development in the area,*
- 3) providing open space, quality landscaping, and berms that achieve a park-like setting,*
- 4) including buffering of parking, loading doors, and other similar functions."*

*Mixed Use Business Park: "All areas southwest of I-405 and north of Torrance Boulevard and the Carson Marketplace Specific Plan site are designated MU-BP,*

*with a combination of regional commercial and business park/ limited industrial uses. No residential uses would be allowed.”*

In addition the General Plan contains the following language for the MU-BP: “A new zoning overlay will be created for each of the Mixed Use areas. These zoning overlays could be patterned after the existing Carson Street Mixed Use Overlay Zone.”

The current proposal is not allowed within the Mixed-Use Business Park General Plan land use designation. However, the proposed could be considered to be consistent with other similar uses such as truck yards and truck terminals allowed in the HI (Heavy Industrial) General Plan Land Use Designation. Carson General Plan Section 4.3 defines this land use designation as follows:

*“The Heavy Industrial designation is intended to provide for the full range of industrial uses that are acceptable within the community, but whose operations are more intensive and may have nuisance or hazardous characteristics, which for reasons of health, safety, environmental effects, or general welfare, are best segregated from other uses. Extractive, primary processing, construction yards, rail operations, truck yards and terminals, and food processing industries are typical of this designation.”*

The proposed project requires a General Plan Amendment to change the land use designation of the site from MU-BP to HI.

- Zone Change (Specific Plan)

The zoning for the site is Manufacturing Light with a Landfill Overlay (ML-ORL). Since the General Plan Land Use Designation of the site is required to be changed to Heavy Industrial to allow the proposed use, the ML-ORL zoning designation would no longer be consistent with the HI land use designation. Therefore, a zone change is required for the project. Rather than changing the zoning of the site to Manufacturing Heavy (MH) which would allow a host of uses not appropriate for this area, the Exception approval required the applicant to file for a Specific Plan to allow the proposed use. The Specific Plan allows the proposed use with a Conditional Use Permit. In addition, the Specific Plan provides for development standards and design guidelines to ensure an orderly development.

- Entitlement Agreement

The approval of the Exception Resolution by the City Council contemplated the temporary nature of the use to be monitored and enforced through a Development Agreement. The Exception Resolution required the applicant to file for a Development Agreement application to ensure the City can terminate the use if the project is not in full compliance of the approvals.

- Conditional Use Permit

Two Conditional Use Permits are required for the project, one for the proposed use and the other to allow development on a Landfill Overlay (ORL) designated site.

CMC Section 9141.12 requires approval of a Conditional Use Permit by both the Planning Commission and the City Council for all developments with the ORL designation. More specifically, CMC Section 9141.12.A. states:

*“No use except as hereinafter provided shall be permitted on property designated as ORL (Organic Refuse Landfill) without the approval of a conditional use permit by both the Commission and the Council. Such conditional use permit shall require, as a condition precedent to use of the property under the conditional use permit, approval by the Building and Safety Division and the Council of a report submitted by the applicant pursuant to the applicable provisions of the Building Code, prepared by a licensed civil engineer designated by the applicant 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. Approval of such report by the Building and Safety Division shall be in the discretion of the Building Official, who shall evaluate any risks and hazards associated with the site and proposed use and who may grant approval only if he finds that the report and plans adequately provide for protection against such associated risks and hazards. The Building Official’s approval shall be submitted to the Council for final approval which will be in the discretion of the Council.”*

Prior to issuance of a Certificate of Occupancy, the applicant is required to submit a report, prepared by a licensed civil engineer, to the Building Official for review and approval. The Building Official shall then submit the report to the City Council for their consideration, with the final approval to be at the discretion of the City Council, refer to COA #17.

CMC section 9141.12 (D) also states:

*“D. Whenever both subsection A and any other Section of this Chapter require a conditional use permit for a particular property, only one (1) conditional use permit shall be required, which shall be applied for, processed and considered pursuant to the provisions of subsection B. The application and conditional use permit, if approved, shall refer to both Sections which are applicable.”*

Based on this, COA# 60(k) requires the Specific Plan to add language referencing this section of CMC, and consequently requiring only one CUP application.

- Site Plan and Design Review

Carson Municipal Code Section 9172.23 (Site Plan and Design Review) requires Planning Commission review of projects within the Design Overlay District having construction valuation of \$50,000 or more.

#### **IV. Project Site and Land Uses**

The subject property is located in the ML-ORL-D zone with a General Plan Land Use Designation of “Mixed-Use Business Park”. The subject property is located between Main Street and Figueroa Street, south of Del Amo Boulevard.



Figure (a) Project Site in context to surrounding zoning.

The following table provides a summary of information regarding the project site:

Site Information	
General Plan Land Use	Mixed-Use Business Park
Zone District	ML-ORL-D (Manufacturing, Light; Organic Refuse Landfill; Design Overlay District)
Site Size	624,200 square feet (14.33 ac)
Present Use and Development	Vacant land
Surrounding Zoning/General Plan	North: Light Industrial, ML-ORL-D/MU-BP South: Commercial General, CG-D/MU-BP East: Residential, RS West: I-110 Freeway
Access	Ingress/Egress: Main Street and Figueroa Street

## V. Analysis

### Submittal of Revised Documents

As will be discussed below, staff has several concerns with the specific plan, site plan, and elevations that the applicant has not addressed by revising these documents. The applicant has insisted to be scheduled for a Planning Commission hearing without making these revisions. The conditions of approval include



provisions to address staff's concerns. These conditions of approval require significant changes to the specific plan, site plan, and elevations. Furthermore, the conditions of approval require the applicant to submit the revisions to the site plan, elevations, and the specific plan prior to scheduling the item for City Council. Since these revisions are significant, the Planning Commission may determine that the revisions must be made prior to Planning Commission action. Staff would like to emphasize that the approval of General Plan Amendment, Entitlement Agreement, Specific Plan, DOR, and CUP are discretionary and Planning Commission does not have to approve these requests.

#### Land Use Compatibility

Land uses surrounding the subject property include residential and Cell 1 of the 157 acre site to the east, mini storage to the north, Figueroa and I-110 to the west, and a variety of uses to the south including five churches with associated childcare programs and other children related activities catering to preschool through 12<sup>th</sup> grade students, a dance school, an after school program, an adult day care, printing museum, an indoor sports facility, light industrial uses, and commercial uses. The proposed use is considered a heavy industrial use as it proposes a truck intensive facility and inconsistent with some of the existing land uses that are considered sensitive uses. The City's General Plan only allows this type of truck intensive use in the Heavy Industrial (HI) designation. The following are the three nearest HI General Plan Land Use Designation properties in relation to the project site:

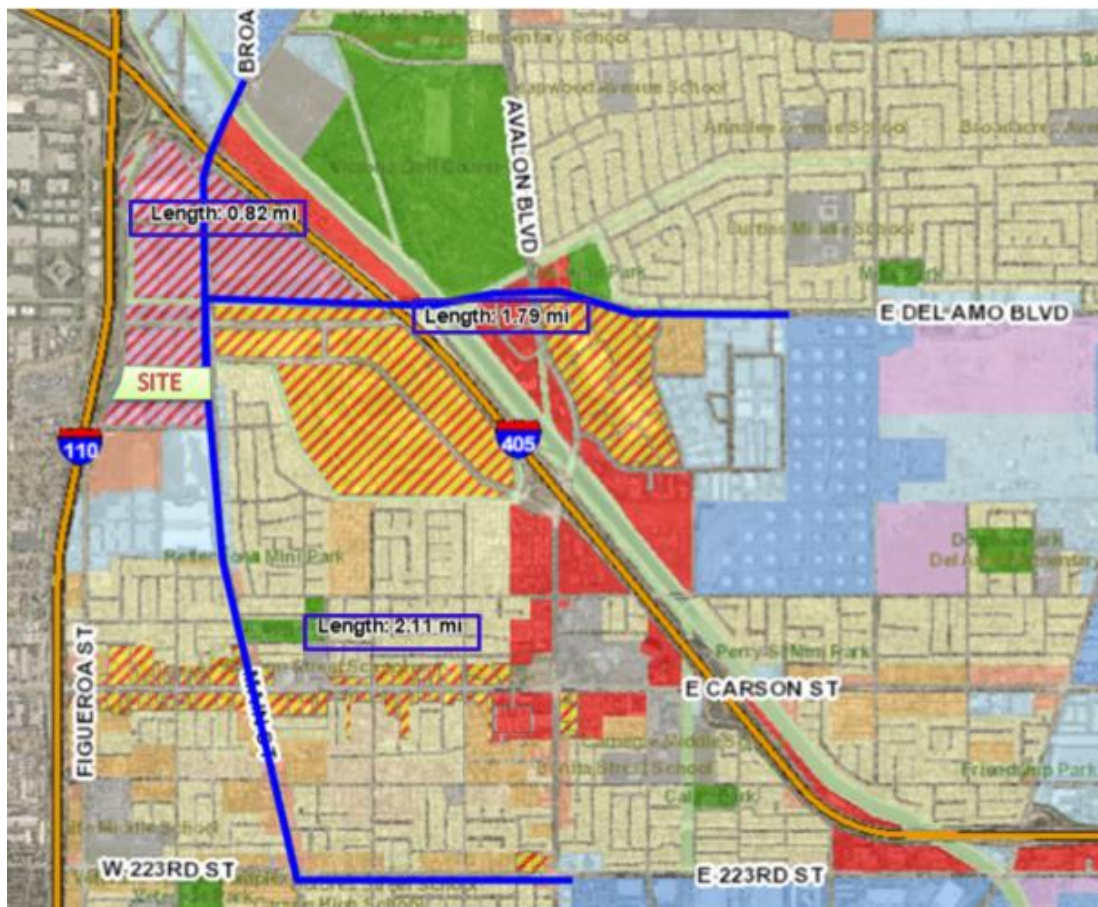


Figure (b) Distance to nearest heavy industrial parcels



- 0.82 Mile to the north (north on Main Street, property owned by KL Fenix);
- 1.79 Miles to the east (north on Main Street and east on Del Amo Boulevard, Shell tank farm);
- 2.11 Miles to the southeast (south on Main Street and east of 223<sup>rd</sup> Street, Watson Industrial Park).

### Area of Concern:

At first glance, the proposed use is not compatible with the surrounding uses. However, a more careful analysis reveals important characteristics of the surrounding areas. The site and most of its surroundings are former landfills. From experience, the City is aware that development on these sites can be challenging and expensive. This is evident from the abundance of vacant properties in the surrounding areas—all former landfill sites. However, history also tells us that some former landfill parcels can be developed such as the former Kmart site. Therefore, for over two years staff has analyzed this proposal to determine whether it is a good fit for the area and the City. This analysis has not been easy. It is critical for the City to make the correct decision on this property since it is one of the first ones to move forward. Once this project is built, it would greatly influence the future development of the area. On the other hand, if it is not developed, the surrounding areas may not develop either as they have not in the past.



Figure (c) Surrounding parcels and area

Given the difficulty and the expense of developing this former landfill site, staff has had to take a creative approach in determining whether the proposed project is an

appropriate land use for this site, is compatible with the surrounding areas, and will have a long term benefit to the City. This approach includes several different components to achieve land use compatibility now and in the future:

- Compatibility with existing residential areas, Cell 1, and the 300-unit MBK multi-family complex currently under construction to the east: Through site design truck access to Main Street has been eliminated. In addition, the trucks for the project are prohibited from using Main Street and Torrance Boulevard. The building is placed in a manner to shield the properties to the east and also provide an aesthetically pleasing facade with generous landscaping including two artistic features along the street. This design creates an illusion of a business park from the street even though the truck operations are proposed behind the building. Furthermore, this design allows approximately 350' separation between the residential areas and the truck operations. Staff believes this separation is adequate to make the proposed project compatible with the residential areas to the east.
- Compatibility with the mixture of uses to the South: The properties to the south include a variety of uses including sensitive uses as mentioned above. In addition, a proposal for a Zone Change has been submitted to allow future development of residential on approximately half of the property closest to Main Street. However, the property has a recorded covenant prohibiting residential uses. This restriction does not preclude development of the site as residential; it just means the property owner has to go through a process with DTSC and if approved, residential can be constructed on the site. Therefore, the proposed KL Fenix project poses some compatibility concerns both now and in the future. Therefore, staff is proposing a significant reduction of Truck Spaces to make the proposed use more compatible with the areas to the south and reduce the traffic, noise, and air quality impacts associated with the proposed use. Eliminating two rows of Truck Spaces together with the most southerly drive aisle would provide an approximately 155' buffer between the truck operations and the uses to the south. This would reduce the number of Truck and Container Spaces from 475 to 298, a reduction of 177 spaces, refer to COA #15. To achieve even more separation between the potential residential development and this site, staff will require the residential project to place the parking structure on the northerly property line between the residential units and the KL Fenix site. Depending how these parcels develop, the proposed truck operations may cease permanently or could expand to the currently proposed 475 spaces by the applicant and be vested permanently.
- The portion of the Site remaining unused cannot be used by the Developer for any purpose and will be fenced off until such time that the project is permitted to expand into that space. COAs #16 and 34 have been drafted to address this issue.
- Staff has also required additional safeguards to ensure long term compatibility of the proposed use with the surrounding areas. Through the Entitlement Agreement (EA), staff has identified a geographic area surrounding the site to establish this long term compatibility. Again, through the EA, the proposed use is considered temporary and only becomes permanent if the surrounding areas develop as heavy industrial. On the other hand, if the surrounding areas develop

as anything other than heavy industrial, the proposed use must cease operations and a different use will be required to be proposed consistent with the surrounding area. Sections 2.3 to 2.13 of the EA provide more detailed provisions to accomplish this long term compatibility. The following provides a summary of the provisions included in the EA:

- Initial Term is 7 years.
- There are 5 Surrounding Parcels:
  - 3 Adjacent Surrounding Parcels; and
  - 2 Other Surrounding Parcels.
- 3-year automatic extension will be granted at the end of 7 years:
  - If within 7 years no new development occurs on the Adjacent Surrounding Parcels; or
  - No new development or only one new development occurs in Other Surrounding Parcels.
- Automatic 3-year extensions will be granted until one of the following occurs:
  - One new development occurs in Adjacent Surrounding Parcels:
    - If the new development is heavy industrial, the use will be vested and continues for perpetuity; or
    - If the new development is non-heavy industrial, the use will cease operation for perpetuity.
  - There are two new developments (cumulative) on Other Surrounding Parcels
    - If both new developments (cumulative) are heavy industrial, the use will be vested and continues for perpetuity; or
    - If both new developments (cumulative) are non-heavy industrial, the use will cease operation for perpetuity.

Staff has determined with the above provisions, the project would be considered compatible with the surrounding uses both now and in the future.

#### 2040 General Plan

It should be noted that the draft 2040 General Plan Preferred Land Use Plan does not contemplate allowing heavy industrial uses such as the proposed use by the applicant in this area. This Preferred Land Use Plan still needs to go through community input and presented to the Planning Commission and City Council. At this time staff is not suggesting the Planning Commission base their decisions on the Preferred Land Use Plan; however, it is another component that should be considered among other facts surrounding the proposed project and other future projects.

#### Site Plan

The subject property measures approximately 14.33 acres. The proposal includes a 53,550-square-foot warehouse on the eastern portion of the subject property with 39,500 square feet of warehouse space, 14,050 square feet of office space and 6 loading docks within a two-story building. The proposal also

includes an open-air loading dock with 9 loading docks. The site plan includes 115 passenger vehicles parking spaces, 400 cargo container parking spaces and 75 truck parking spaces for a total of 475 Truck Spaces. The applicant was originally proposing 475 Truck Spaces.

#### Stormwater Management

The subject property adjoins the Torrance lateral of the LA County Flood Control District along its northerly property line.

#### **Area of Concern:**

The applicant has indicated their intent to drain run-off water into the flood control channel and claim to have District approval but has yet to provide written confirmation from the District. Without formal confirmation of District approval, the applicant must redesign the proposed stormwater management system to the satisfaction of the Department of Public Works Engineering Division and the LA County Flood Control District prior to issuance of any permits; refer to COA# 31, 76.

#### Access

The applicant's proposed Specific Plan and Site Plan are inconsistent with each other with respect to the number and location of the access points. Conditions of approval have been included to rectify this inconsistency (COA# 18 & 60(d)). The site plan proposes vehicular access from two existing driveways on Main Street and two existing driveways on Figueroa Street.

#### **Area of Concern:**

The City Traffic Engineer has expressed concerns regarding the safety of proposed driveways on Figueroa Street and has also questioned the necessity of having two driveways on Main Street.

The subject property is adjacent to Caltrans signalized intersection which will be adversely impacted due to the proposed facility. Caltrans has provided written comments requiring a single, signalized ingress/egress point immediately across from the 110 Interstate Figueroa on/off ramp. To date, the applicant has not submitted a revised Site Plan incorporating the requirement. Therefore, COA #18(c), 89 and 111 will address Caltrans's comments that may eventually only allow one driveway on Figueroa directly across from the signalized existing interchanges. In addition, the revised site plan will eliminate the northerly driveway on Main Street; refer to COA# 18(d).

#### Parking & Traffic

Carson Municipal Code Section 9162.21 (Parking Spaces Required) requires 1 parking space for every 1,500 square feet of warehouse and 1 parking space for every 300 square feet of office area. The proposed use will require 74 parking spaces (27 spaces for warehouse use and 47 spaces for office use). The applicant proposes a total of 115 parking spaces including 4 handicapped stalls and 10 EV stalls. Therefore, it exceeds the minimum parking requirements for passenger vehicles.

**Area of Concern:**

Staff has concerns about the maneuverability of trucks in the area between loading docks, the building, and the parking aisles. Staff requested the applicant to submit a revised site plan demonstrating safe truck turning templates. However, the applicant has yet to submit a revised site plan confirming safe truck turning maneuvers. COA #18(b) has been added to require the applicant to submit a revised site plan to address this issue.

**Building and Architecture**

The proposed building lacks the design quality and thoughtfulness expected from a project of this nature. The City's Design Consultant team (RRM) reviewed and provided detailed comments and suggestions for improvements that the applicant has not incorporated into the proposed development.

**Area of Concern:**

The applicant shall work with a licensed architect specializing in tilt-up construction in order to address all comments provided by RRM prior to issuance of building permits COA#20.

In addition, the applicant has yet to submit a color and material board and a rendering of approved design elevations. COA#20 & 21 address these issues by requiring the applicant to submit revised elevations, a materials board, and color renderings.

**Signage**

Due to the unique nature of the project, the project shall be required to submit for a Sign Program for all signs to be permitted on the property. The standards incorporated in the Specific Plan are not comprehensive and thus COA # 52 and 60 requires the applicant to edit the Specific Plan to remove all sign standards from the Specific Plan and file for a Sign Program instead.

**Fencing**

The entire perimeter of the subject property includes 8-foot high walls and fencing. The developer is proposing a combination of wrought-iron fencing and pre-cast concrete panel walls as fencing material. The building entrance on Main Street will include wrought-iron fencing. Pre-cast concrete panels will be installed along the Northern and Southern property lines and a combination of both materials is proposed along Figueroa Boulevard.

**Area of Concern:**

The proposed wall on the North side is offset 10 feet to the south of the property line. Staff is concerned about the maintenance of the area between the wall and the North property line. The applicant has not provided an explanation to address this concern other than placement of the water filtration system on the north side of the wall and draining run-off water into the flood control channel which staff believes is not permissible, refer to Stormwater Management section of the staff report under Site Plan for additional information. To address this issue, COA # 31 has been added to require the applicant to build the wall on the property line and submit a revised site plan.

The applicant has been requested to match the colors of the concrete panels to the colors of the building and provide a paint and material board for the fencing and walls for Staff's review. Since this information has not been provided, COA# 28 has been drafted.

In addition, the applicant will be required to build an 8-foot high fence along the last truck/container parking spaces securing the buffer area created by eliminating two rows of container parking spaces and the associate drive aisle. This fence is at least 150 feet from the Southern property line to fence off the unused portion of the Site due to reduced truck/container parking spaces. Refer to COA#34.

#### Landscaping

Carson Municipal Code Section 9162.52 (Landscaping Requirements) requires automobile parking facilities and any parking facilities visible from the public right-of-way to have interior landscaping of not less than 5% or in this instance 31,210 SF (14.33 acres X 5%= 31,210 SF.) Due to the ORL nature of the site, landscaping will be provided in raised planter beds installed along the northern and southern perimeter wall. Developer will install new or replacing existing trees along Main Street and Figueroa Street.

The proposed project includes significant perimeter landscaping in the setbacks areas along Figueroa and Main. Therefore, the proposed project provides an aesthetically pleasing street scene along both streets. In addition, the applicant is required to provide two artistic features along Main Street. These features will be reviewed by staff prior to issuance of the building permits and will be installed prior to issuance of the certificate of occupancy, refer to COA#27.

#### Specific Plan

Specific plans are planning tools included in state law that allow cities to adopt different development standards than those in specific zones included in the City's zoning code. The implementation of the proposed project requires different development standards and uses than those included in the Carson Municipal Code Chapter 1, Part 4, Heavy Industrial Zone; therefore, the applicant proposes the KL Fenix Cargo Container Parking Specific Plan (Exhibit 3). The following provides development standards outlined in the KL Fenix Cargo Container Facility Specific Plan:

#### **KL Fenix Cargo Container Parking Specific Plan Zoning Regulations**

<b>Development Standards</b>		
<b>Topic</b>	<b>Proposed Standards</b>	<b>Source</b>
FAR	0.5	SP 18-18
Street Access	Passenger vehicle access from Main Street, Truck access from Figueroa (COA #18 (c) & (d))	SP 18-18



<b>Development Standards</b>		
<b>Topic</b>	<b>Proposed Standards</b>	<b>Source</b>
Building Height	75 feet maximum (COA#60(m))	SP 18-18
Front yard setback (Main Street side)	25 feet; 2 artistic features to be incorporated in the setback area (COA#27)	SP 18-18
Rear setback (Figueroa Street side)	20 feet (COA # 60(n))	Reso 18-113
Building setback	Minimum 50 feet from southern property line (COA # 60(n))	Reso 18-113
Side Yard setback	Minimum 5' landscaped set back (COA # 60(n))	Reso 18-113
Loading dock setback	Minimum 140' from southern property line (COA # 60(n))	Reso 18-113
Parking standards	Parking ratios for Warehouse Use- 1:1500, Office Use – 1:300 (COA 60(o))	CMC 9162.21
Streetscape Design & Public Spaces	8-12 foot wide sidewalk along Main Street and Figueroa Street (COA 60, 87)	SP 18-18
Surveillance Cameras	Installed at access point on Main Street to monitor truck movement Also installed in the Cargo Container parking area to monitor no more than 75 trucks to be parked at the facility.	SP 18-18
Signage- Building	Two rows allowed to a maximum of 64 inches; each row of Capital letters or small letters not to exceed 32 inches; logo to not exceed 54 inches. (COA#52, 60(p))	SP 18-18
Signage- Monument Sign	Not to exceed 1.5 times of street frontage. Placement at least 150 feet apart on street frontage Placed at least 7.5 feet from interior lot line Maximum of 16 feet high with maximum 48 inch base.(COA#52, 60(p))	SP 18-18
Signage – Maximum square footage	Total maximum area allowed will be two square feet of signage for every one linear foot of lot frontage for the first one hundred (100) feet, plus	CMC 9146.7

Development Standards		
Topic	Proposed Standards	Source
	one-half (1/2) times the frontage in excess of one hundred (100) feet. (COA#52, 60(p))	

#### **Areas of Concern:**

Furthermore, the Specific Plan prepared by the developer includes statements that reveal the document has not been prepared professionally. The following are some examples:

- A General Plan Amendment to “Cargo Container Parking” land-use designation which does not exist in the City’s General Plan.
- Parking standards for condominiums are included when the Specific Plan does not permit residential projects.

The Permitted Uses Section of the proposed Specific Plan has been modified by staff to only include the following permitted uses:

- Cargo Container Parking facility, with a CUP with no containers on the ground and no stacking of containers (COA#60(j));
- Warehousing and Distribution: including Cold Storage, Warehousing of furniture, household goods, dry goods, clothing, textiles, durable goods (no perishable foods) but excluding any type of hazardous material storage, as permitted by right uses;
- Wireless telecommunications facilities, minor facilities to be permitted by right, major telecommunications facilities to be permitted with a CUP.

Therefore, staff has included COA# 60 and 61 to address these issues prior to scheduling the Specific Plan for City Council.

It should be noted that the CMC includes a definition for a cargo container parking facility; however, it is not included as a permitted use or a use requiring a Conditional Use Permit. Therefore, since the zoning code is a permissive code meaning that if a use is not specifically mentioned as permitted or conditionally permitted, it is not permitted by the zoning code. Therefore, a Specific Plan is the proper tool to allow the proposed cargo container facility.

#### **Entitlement Agreement Terms and Conditions**

In addition to the provisions stated above to ensure compatibility of the proposed use with the surrounding areas, the following provides a summary of the major Terms and Conditions included in the Entitlement Agreement:

##### *Compliance with EA, Fines*

Prior to issuance of building permits, the developer is required to deposit with the City \$100,000. This deposit will be used by the City, if necessary, to ensure compliance with

the provisions of the EA. In addition, the following fines/penalties will be levied in case of violations from the terms of the EA:

- Only a total of 298 spaces (220 container parking spaces and 75 truck parking spaces) shall be allowed on the site. Failure to comply shall result in fines of \$5,000 per occurrence as a penalty.
- Any use of the Property not in strict compliance with the Permissible Usage shall result in fines of \$5,000 per occurrence as a penalty.
- All truck ingress and egress to and from the Property shall be via Figueroa Street. Violation of this requirement will result in fines of \$5,000 per occurrence as a penalty, with determination of Developer's violation to be made by City upon City's review of VSCs as well as any other documentation or evidence reasonably available to the City.
- No trucks shall be permitted to traverse on Torrance Boulevard or Main Street. Violation of this restriction will result in fines of \$5,000 per occurrence as a penalty.
- Developer is required to install Video Surveillance Cameras ("VSCs") that record 24-7. Failure to properly maintain the VSCs will result in fines of \$5,000 per occurrence as a penalty.
- Developer has stated that a maximum of 50 trucks per day will enter and exit the site for a maximum of 100 trips. Any number above 100 trips per day shall be a violation with a \$5,000 per incidence penalty.
- Developer's trucks do not travel into or from the Property using Torrance Boulevard and Main Street. The penalty for this violation shall be \$5,000 per incidence.
- If the developer does not cease the operation the use if required by the EA, it shall result in a fine of \$500 per day as a penalty until compliance has been reached.
- Trucks without the KL Fenix logos shall not be authorized to use the site. The penalty for this violation shall be \$5,000 per incidence.
- Failure to comply with the allowed hours of operation shall result in fines of \$5,000 per occurrence as a penalty.
- All VSCs shall be installed and operational at all times. Failure to have operational VSCs shall result in a penalty of \$5,000 per incidence.
- The Property, including the Buffer Area, must at all times be maintained and generally kept in a clean condition. Failure to comply will result in a penalty of \$5,000 per incidence.

#### *Public Improvements*

Prior to issuance of occupancy permits, Developer is required to complete improvements to Main Street and Figueroa Street, as follows:

- **Main Street (southbound).** Developer shall construct half street improvements along the eastern property line by removing the existing asphalt section of the road and constructing a new asphalt pavement section per City standards.

- **Figueroa Street (northbound).** Developer shall construct half street improvements along the westerly property line by removing the existing asphalt section of the road and constructing a new 8" concrete pavement section per City standards.
- **Figueroa Street (southbound).** Developer shall construct half street improvements corresponding to the northerly and southerly boundaries of the site by removing the existing asphalt section of the road and constructing a new 8" concrete pavement per City standards.
- **Main Street Median.** Developer shall install medians on Main Street as required by the Engineering Division.

## **VI. CFD/DIF Discussion**

***Interim Development Impact Fee:*** In accordance with Article XI of the Carson Municipal Code (Interim Development Impact Fee Program), the applicant must pay an estimated one-time development impact fee of \$207,044.44 (currently \$694.78 per truck/container space based on 298 Truck Spaces) to fund the development's proportional share of city-wide capital infrastructure improvements. The fee paid will be proportional to the number of truck Spaces ultimately approved for the project and the fee in effect when building permits are issued, refer to COA #1.

***Funding Mechanism for Ongoing Services / Community Facilities District:*** The applicant, property owner, and/or successor to whom these project entitlements are assigned ("Developer") is responsible to establish a funding mechanism to provide an ongoing source of funds for city services including the maintenance of parks, roadways, and sidewalks. A uniformed-standardized rate for ongoing city services was adopted by the City pursuant to Resolution No. 19-009 and accompanying Fiscal Impact Analysis ("FIA") report. Under the adopted Resolution and FIA report, the subject property falls under "Other Industrial Zones" with a current rate of \$449.30 per acre per year. Based on a 14.33-acre site, the current estimated annual amount is \$6,438.47. The actual amount of the CFD will be based on the fee in effect at the time the building permits are issued. Developer is required to mitigate its impacts on city services either through: 1) Annexing into a City established Community Facilities District (CFD) or 2) Establishing a funding mechanism to provide an ongoing source of funds for ongoing services, acceptable to the City, refer to COA#2.

Additionally, at the time of application for a business license, if there are two different users between the Cargo Container Parking Facility and warehouse, then an additional DIF payment will be made for the warehouse in the amount of One Hundred Thirty Thousand Six Hundred Sixty Two Dollars (\$130,662.00), calculated at \$2.44 per square foot of building area (calculated at \$2.44 x 53,550 = \$130,662). Such DIF payment will be made at the time applications for the business licenses are submitted to City.

## **VII. Zoning and General Plan Consistency**

The proposed Cargo Container Parking use is not allowed within the Mixed-Use Business Park General Plan Land Use designation. Therefore, to implement the

proposed project, a General Plan Amendment is required to change the General Plan Land Use Designation to Heavy Industrial. This change would make this parcel, the only parcel in the vicinity of the site with a HI designation.

Since the current zoning of the site is not compatible to the HI land use designation, a zone change is required. Typically, the implementing zone for the HI designation is Manufacturing Heavy (MH) zone. However, since the MH zone allows a variety of uses not desired in this area, Staff requested the applicant to file for a specific plan which provides more control over the possible uses of the site.

## **VIII. Environmental Review**

Pursuant to the California Environmental Quality Act (CEQA), a Draft Mitigated Negative Declaration was prepared and made available for public review from April 14, 2020 through May 13, 2020. A Notice of Intent to Adopt a Draft Mitigated Negative Declaration was posted with the City Clerk, LA County Clerk, Carson Library, on-site, and sent to responsible agencies. An electronic copy of the document was also posted on the Planning Division website (<http://ci.carson.ca.us/CommunityDevelopment/KLFenix.aspx>). No comments were received recommending that an Environmental Impact Report (EIR) should be prepared.

During the Initial Study phase, the project's location on a previous landfill was also evaluated as potentially significant impact under Hazards and Hazardous Materials section. It was determined that several previous investigations, including remedial investigations and feasibility studies for the waste and groundwater, human health risk assessment, and a remedial action plan (RAP) for the former landfill waste were completed. The RAP for the waste proposed the construction of a cover and the addition of a landfill gas collection system and flare. The remedial design document to implement the RAP was prepared in 1999; however, to date, closure of the landfill in accordance with the 1999 Remedial Design and other remedial documents (e.g., the groundwater remedial investigation and feasibility study) has not occurred.

In 2019, the project applicant entered into a voluntary oversight agreement with the DTSC to review the existing environmental documents for the project site and to provide opinions on the site remediation needed in order to comply with the requirements of the land use restrictions and complete the project. DTSC oversight is currently ongoing and the applicant and DTSC are continuing to coordinate on the exact means, methods, and scope of onsite. (COA#109)

Additionally, potentially significant impacts of Air Quality, Cultural Resources, Geology and Soils, Noise, Transportation and Tribal Cultural Resources were identified during the Initial Study. Per the Negative Declaration, with the inclusion of the proposed mitigation measures, adverse impacts are mitigated to the maximum extent feasible and below a level of significance. The MND was circulated for public review from April 14, 2020 to May 13, 2020. At the close of the review period, comments from Caltrans, LA County Fire Department and LA County Sanitation District have been received which are addressed in the Final MND, also available at the link above, and potential concerns have been addressed via Conditions of Approval for the project (COAs # 18, 31, 67 73, 89 and 111).

## **IX. Public Notice & Community Meeting**

Notice of public hearing was published in the newspaper on April 30, 2020. Notices were mailed to property owners and occupants within a 750' radius and posted to the project site by April 30, 2020. The agenda was posted at City Hall no less than 72 hours prior to the Planning Commission meeting.

Typically, similar projects involving General Plan Amendment, Zone Change (Specific Plan) and Conditional Use Permit applications are required to have Community Meetings as part of the approval process. In light of COVID-19 and to practice responsible social distancing, it was not possible to hold a community meeting for this project,

## **X. Recommendation**

That the Planning Commission:

- **ADOPT** Resolution No. 20-2696, entitled, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON APPROVING SITE PLAN AND DESIGN OVERLAY REVIEW NO. 1745-18, CONDITIONAL USE PERMIT NO. 1074-18 AND RECOMMENDING APPROVAL TO CITY COUNCIL FOR GENERAL PLAN AMENDMENT NO. 108-18, SPECIFIC PLAN NO. 18-18, ENTITLEMENT AGREEMENT NO. 24-18, MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM (MMRP) FOR A PROPOSED CARGO CONTAINER PARKING FACILITY AT 20601 S. MAIN STREET"

## **XI. Exhibits**

1. Draft Resolution
  - A. *Legal Description*
  - B. *Conditions of Approval*
2. Development Plans
3. Specific Plan
4. Entitlement Agreement
5. Public Comments

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