



Legislation Details (With Text)

File #: 2021-515 **Version:** 1 **Name:**

Type: Discussion **Status:** Agenda Ready

File created: 6/21/2021 **In control:** City Council

On agenda: 11/3/2021 **Final action:**

Title: CONSIDER RESOLUTION NO. 21-142 SETTING A TIMELINE FOR COMPLIANCE ON THE PART OF SOUTH BAY CARSON, LLC AND SYWEST DEVELOPMENT, LLC WITH THE TERMS AND CONDITIONS OF CONDITIONAL USE PERMIT NO. 940-13, RELOCATION REVIEW NO. 3047-13 AND RESOLUTION NO. 13-099 REGARDING VEHICLE STORAGE FACILITIES AT 20151 SOUTH MAIN STREET (CITY COUNCIL)

Sponsors:

Indexes:

Code sections:

Attachments: 1. Sywest Resolution

Date	Ver.	Action By	Action	Result
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Report to Mayor and City Council

Wednesday, November 03, 2021

Consent

SUBJECT:

CONSIDER RESOLUTION NO. 21-142 SETTING A TIMELINE FOR COMPLIANCE ON THE PART OF SOUTH BAY CARSON, LLC AND SYWEST DEVELOPMENT, LLC WITH THE TERMS AND CONDITIONS OF CONDITIONAL USE PERMIT NO. 940-13, RELOCATION REVIEW NO. 3047-13 AND RESOLUTION NO. 13-099 REGARDING VEHICLE STORAGE FACILITIES AT 20151 SOUTH MAIN STREET (CITY COUNCIL)

I. SUMMARY

Presented for City Council consideration is Resolution No. 21-142 for an extension for SyWest Development, LLC and South Bay Carson, LLC (collectively, "Sywest") for compliance with Conditional Use Permit No. 940-13, Relocation Review No. 3047-13 and Resolution No. 13-099 (collectively, the "Original CUP"), which permitted, for an initial term of four (4) calendar years, the use of an approximately 24.65 acre site previously used as an organic refuse landfill, drive-in theater and auto-auction, located at 20151 South Main Street, Carson, California. The compliance period ended on October 31, 2021. Sywest has complied with all requirements of previous resolutions including submittal of a completed application for the development of the site.

The proposed Resolution allows an additional one year plus a six-month staff extension, until October 31, 2022 and April 30, 2023 respectively, for Sywest to comply with the Original CUP. The Resolution also allows Sywest to temporarily store Sprinter vans and cars on the site for the duration of the resolution. The resolution further requires Sywest to pay the City a Heavy Vehicle Transit Fee of up to \$250,000 annually. However, Sywest would only pay a prorated share of the fee for portions of the site that are occupied on based on \$10,416 per acre.

II. RECOMMENDATION

WAIVE further reading and ADOPT Resolution No. 21-142, “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, SETTING A TIMELINE FOR COMPLIANCE ON THE PART OF SOUTH BAY CARSON, LLC AND SYWEST DEVELOPMENT, LLC, WITH THE TERMS AND CONDITIONS OF CONDITIONAL USE PERMIT NO. 940-13, RELOCATION REVIEW NO. 3047-13 AND RESOLUTION NO. 13-099 REGARDING VEHICLE STORAGE FACILITIES LOCATED ON THAT CERTAIN REAL PROPERTY AT 20151 SOUTH MAIN STREET, CITY OF CARSON (CITY COUNCIL)”

III. ALTERNATIVES

1. DIRECT staff and the City Attorney to further review and revise the Resolution.
2. TAKE such other and further actions as the City Council deems appropriate consistent with the requirements of law.

IV. BACKGROUND

In 2013, SyWest, acting on behalf of Enterprise Rent-A-Car Company of Los Angeles, LLC (“Enterprise”), applied for and was granted Conditional Use Permit No. 940-13, Relocation Review No. 3047-13 and Resolution No. 13-099 (the “Original CUP”) which permitted, for an initial term of four (4) calendar years, the use of an approximately 24.65 acre site previously used as an organic refuse landfill, drive-in theater and auto-auction, located at 20151 South Main Street, Carson, California (the “Property”), for the storage of rental cars, including as a regional rental car storage hub, and the relocation of certain modular office buildings on that portion of the Property zoned ML-ORL-D.

The Original CUP required that SyWest would, within three (3) years of approval of the CUP, enter into an agreement with the appropriate environmental regulatory agency (“Environmental Regulatory Agency” or “ERA”) to commence steps necessary to support the cleanup and reuse of the Property for new development but staff contended that SyWest failed or refused to comply with this condition of the Original CUP. SyWest requested additional time to complete this task concurrently with City’s update to its General Plan (the “ERA Dispute”). SyWest has contended and advised staff that in order to fulfill this remediation condition of the Original CUP a proposed plan for redevelopment and long-term use of the Property is required to first be processed, considered and approved by the City, and SyWest and the City desired to confirm how this ERA Dispute

would be addressed moving forward.

On or about July 20, 2020, Sywest submitted an application (“Application”) for development of the Property which Application includes a request for a General Plan Amendment, Specific Plan and related entitlements (e.g. Development Agreement, tentative parcel map, site plan and design review) (collectively “Proposed Entitlements”). The City has received a completed application and has placed ERA discussions regarding development on hold with DTSC while the City processes the Application. Sywest has asked the City for the right to continue to utilize the Property consistent with the Original CUP while the Application is processed.

The Temporary Parking Use will include cars and Sprinter vans but will not include any of the following: (i) vehicle service or maintenance of any type on the Property or (ii) loading/unloading, transfer shipping or removal of any contents of the Sprinter Vans; (iii) overnight parking of employee vehicles; (iv) sleeping of any kind within the Property, whether inside or outside any vehicle parked thereon; (v) parking of recreational vehicles or trailers designed for human accommodation, such as motorhomes, camper vans, coaches, caravans, fifth-wheel trailers, and popup campers, (vi) boats, (vii) large trucks and containers or (viii) any other activity not specifically enumerated above within the description of the Temporary Parking Use.

The adoption of this Resolution would authorize the Temporary Parking Use for an additional 12 months plus a six-month extension authorized to be approved by staff.

V. FISCAL IMPACT

The resolution authorizes collection of the Heavy Vehicle Transit Fee of \$10,416 per year for every acre of the property used for vehicle storage. Since the area of the property that will be used for storage of vehicles cannot be predicted at this time, it is difficult to determine the revenues the proposed use may generate.

VI. EXHIBITS

1. Resolution No. 21-142 (pgs. 4-10)

Prepared by: Saied Naaseh, Community Development Director