



# CITY OF LONG BEACH

# H-1

DEPARTMENT OF DEVELOPMENT SERVICES

333 West Ocean Blvd., 4<sup>th</sup> Floor Long Beach, CA 90802 (562) 570-5237 Fax: (562) 570-6205

August 16, 2011

HONORABLE MAYOR AND CITY COUNCIL  
City of Long Beach  
California

## RECOMMENDATION:

Receive the supporting documentation into the record, conclude the public hearing, deny the appeal and uphold the decision of the Planning Commission to approve a Conditional Use Permit for a short-term trucking container parking lot on the Southern California Edison Right-of-Way located at 6947 Sportsman Drive within the IM zone. (District 9)

## DISCUSSION

In October 2010, the City Council adopted an Ordinance requiring a Conditional Use Permit for trucking uses within the City's industrial zones. In addition, special development standards for maintenance, facilities/restrooms, landscaping, screening, etc., were included as requirements. The Ordinance went into effect on November 18, 2010.

An application was received on April 12, 2011 for a short-term truck container parking lot on the Southern California Edison Right-of-Way located at 6947 Sportsman Drive. The subject site is located within the northeast quadrant of the intersection of the 91 freeway and the 710 freeway on a portion of the Southern California Edison Right-of-Way (Exhibit A – Plans and Photographs). The zoning designation of the subject site is Medium Industrial (IM). The site is approximately 13.5 acres in size and is accessible from the 710 freeway via the Alondra Boulevard off-ramp exit. The proposed site would be developed with a short-term trailer parking facility that would provide a total of 242 parking spaces for trailers with containers mounted on chassis.

In addition to the standard application materials (site plan, photos, etc.), the applicant provided a Mitigated Negative Declaration that was certified by the California Public Utilities Commission. The document served to meet the requirements of the California Environmental Quality Act (CEQA), with the City completing a tiered Categorical Exemption to further support the project (Exhibit B – Mitigated Negative Declaration and Categorical Exemption 11-032).

On June 16, 2011, after taking public testimony and discussing the project in detail, the Planning Commission voted 4-1 to approve the project. In addition to the special development standards for trucking required for the project, the Planning Commission added a condition requiring the applicant to maintain Sportsman Drive (Exhibit C – Findings and Conditions of Approval).

The Planning Commission decision was appealed on June 24, 2011 (Exhibit D – Appeal). The appellants contend that the use would be detrimental to the surrounding community. The primary concern is the impact of truck traffic on Sportsman Drive, with the potential deterioration of the road.

Staff recommends that the City Council uphold the decision of the Planning Commission to approve the Conditional Use Permit request as originally presented based on the findings adopted by the Planning Commission.

This matter was reviewed by Assistant City Attorney Michael Mais on August 2, 2011 and by Budget Management Officer Victoria Bell on July 29, 2011.

TIMING CONSIDERATIONS

The Municipal Code requires City Council action within 60 days of receiving an application for appeal. The subject appeal was received on June 24, 2011.

FISCAL IMPACT

There is no fiscal impact as a result of the recommended action. Upholding the Planning Commission's decision has the potential to create twenty to thirty jobs during the construction period and two to ten on-site jobs on a permanent basis.

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,



AMY J. BODEK, AICP  
DIRECTOR OF DEVELOPMENT SERVICES

APPROVED:

  
\_\_\_\_\_  
PATRICK H. WEST  
CITY MANAGER

AB: DB: JR

P:\Planning\City Council Items (Pending)\Council Letters\2011-08-16\CC6947 Sportsman Drive.doc

Attachments: Exhibit A- Plans and Photographs  
Exhibit B- Mitigated Negative Declaration and Categorical Exemption 11-032  
Exhibit C- Findings and Conditions of Approval  
Exhibit D- Appeal

**CONDITIONAL USE PERMIT  
CONDITIONS OF APPROVAL**

6947 Sportsman Drive  
Application No. 1104-06  
June 16, 2011

1. This Conditional Use Permit approval is to establish a short-term trucking container parking lot on the Southern California Edison Right-of-Way. The use permitted hereby on the site, in addition to other uses permitted in the Medium Industrial (IM) Zone District, shall be a trucking container parking lot.
2. This approval and all development rights hereunder shall terminate one year from the effective date (final action date or, if in the appealable area of the Coastal Zone, 21 days after the local final action date) of this permit unless construction is commenced or a time extension is granted, based on a written and approved request submitted prior to the expiration of the one year period as provided in Section 21.21.406 of the Long Beach Municipal Code.
3. This approval shall be invalid if the owner(s) and/or applicant(s) have failed to return written acknowledgment of their acceptance of the conditions of approval on the *Conditions of Approval Acknowledgment Form* supplied by the Planning Bureau. This acknowledgment must be submitted within 30 days from the effective date of approval (final action date or, if in the appealable area of the Coastal Zone, 21 days after the local final action date). Prior to the issuance of a building permit, the applicant shall submit a revised set of plans reflecting all of the design changes set forth in the conditions of approval to the satisfaction of the Zoning Administrator.
4. If, for any reason, there is a violation of any of the conditions of this permit or if the use/operation is found to be detrimental to the surrounding community, including public health, safety or general welfare, environmental quality or quality of life, such shall cause the City to initiate revocation and termination procedures of all rights granted herewith.

**Special Conditions:**

5. The applicants shall comply with the requirements of Section 21.52.410 of the City of Long Beach Municipal Code regarding trucking yards, to the satisfaction of the Director of Development Services.
6. All drayage trucks, as defined in the Clean Truck Program, utilized for trucking business operations shall comply with the Clean Truck Program.
7. All yard areas shall be developed and maintained in a neat, quiet, and orderly condition and operated in a manner so as not to be detrimental to adjacent properties and occupants. This shall encompass all of the parking areas serving the use including all fences and the perimeter of the site.

CUP Conditions

Date: June 16, 2011

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8. The applicant shall provide an office and restroom facilities large enough to accommodate employees and guests.
9. Landscaping shall be provided along the side portion of the lot abutting the 710 freeway with 24-foot box size trees and red Bouganvillea plant along with an eight-foot-high wall.
10. All landscaping shall be permanently irrigated with a twenty-four hour seven day a week electronic or solar powered time clock.
11. Lighting shall be provided in accordance with Chapter 21.41 in a relatively even pattern and in compliance with the California Title 24 Energy requirements.
12. All truck traffic for this site shall only be accessible via Alondra Boulevard.
13. The applicant shall provide adequate turning radius to the site.
14. The site shall be designated to safely accommodate on-site maneuvers of any truck used for the business, and shall permit such trucks to enter and exit the site in a forward direction, thereby avoiding backing from or into a public street, except that trucks may back into a site, but not back into the streets on lots less than twelve thousand five hundred (12,500) square feet in size.
15. No loading or unloading of any materials or trailers shall be allowed on the public right-of-way.
16. Areas utilized for the parking of trucks shall be surfaced with a minimum six inch (6") thick reinforced concrete over compacted grade to ninety percent (90%) relative compaction, or a minimum of five inch (5") thick asphalt paving over 6 inch compacted road base, over compacted grade to ninety percent (90%) relative compaction, to the satisfaction of the Director of Development Services.
17. The site shall be graded to drain in accordance with city's NPDES requirements and adequate catch basins shall be provided to screen runoff from the site.
18. Site preparation and construction activities shall be conducted in a manner which minimizes dust.
19. In the event of transfer of ownership of the property involved in this application, the new owner shall be fully informed of the permitted use and development of said property as set forth by this permit together with all conditions, which are a part

thereof. These specific requirements must be recorded with all title conveyance documents at the time of closing escrow.

20. The applicant shall provide a security guard to patrol the site at all times.
21. All conditions of approval must be printed verbatim on all plans submitted for plan review to the Department of Development Services. These conditions must be printed on the site plan or a subsequent reference page.
22. The Director of Development Services is authorized to make minor modifications to the approved design plans or to any of the conditions of approval if such modifications shall not significantly change/alter the approved design/project. Any major modifications shall be reviewed by the Site Plan Review Committee or the Planning Commission, respectively.
23. Compliance is required with these Conditions of Approval as long as this use is on site. As such, the site shall be available for periodic reinspection conducted at the discretion of city officials, to verify that all conditions of approval are being met. The property owner shall reimburse the City for the inspection cost as per special building inspection specifications established by City Council.
24. The applicant shall defend, indemnify, and hold harmless the City of Long Beach, its agents, officers, and employees from any claim, action, or proceeding against the City of Long Beach or its agents, officers, or employees brought to attack, set aside, void, or annul an approval of the City of Long Beach, its advisory agencies, commissions, or legislative body concerning this project. The City of Long Beach will promptly notify the applicant of any such claim, action, or proceeding against the City of Long Beach and will cooperate fully in the defense. If the City of Long Beach fails to promptly notify the applicant of any such claim, action or proceeding or fails to cooperate fully in the defense, the applicant shall not, thereafter, be responsible to defend, indemnify, or hold harmless the City of Long Beach.
25. All containers shall remain mounted on chassis at all times.



# CITY OF LONG BEACH

DEPARTMENT OF DEVELOPMENT SERVICES

333 West Ocean Blvd., 5<sup>th</sup> Floor

Long Beach, CA 90802

(562) 570-6194

FAX (562) 570-6068

## APPLICATION FOR APPEAL

An appeal is hereby made to Your Honorable Body from the decision of the

<input type="checkbox"/> Zoning Administrator	on the <u>16<sup>TH</sup></u> day of <u>JUNE</u> , 20 <u>11</u>
<input checked="" type="checkbox"/> Planning Commission	
<input type="checkbox"/> Cultural Heritage Commission	
<input type="checkbox"/> Site Plan Review Committee	

Appellant(s): CITY OF COMPTON

Project Address: 6947 SPORTSMAN DRIVE (APPLICATION NO. 1104-06)

Reasons for Appeal: (1) INADEQUATE NOTICE

- (2) FAILURE TO COMPLY WITH CEQA/PERFORM ADEQUATE ENVIRONMENTAL REVIEW
- (3) NO FACTUAL BASIS TO SUPPORT FINDING #1 - PROJECT IS INCONSISTENT WITH GENERAL PLAN
- (4) NO FACTUAL BASIS TO SUPPORT FINDING #2 - PROJECT IS DETRIMENTAL TO SURROUNDING COMMUNITY, PUBLIC HEALTH, SAFETY, GENERAL WELFARE, ENVIRONMENTAL QUALITY, ETC.
- (5) APPLICANT WILL BE UNABLE TO COMPLY WITH CONDITIONS 12, 13 AND 14 AND D.1 OF #3
- (6) FAILURE TO CONSIDER CONDITION OF SPORTSMAN DRIVE OR ALTERNATIVE ROUTES
- (7) FAILURE TO CONSIDER THE LACK OF WATER AND/OR SEWER SERVICE TO SITE
- (8) FAILURE TO CONSIDER OR ANALYZE THE ABILITY OF FIRE/EMERGENCY SERVICE TO RESPOND
- (9) FAILURE TO DETERMINE IF SPORTSMAN DRIVE IS A PUBLIC OR PRIVATE ROADWAY

Your appellant herein respectfully requests that Your Honorable Body <b>reject</b> the decision and	<input type="checkbox"/> Approve	this application.
	<input checked="" type="checkbox"/> Deny	

	Appellant 1	Appellant 2
Name:	<u>CITY OF COMPTON</u>	
Address:	<u>205 S. WILLOWBROOK AVENUE</u>	
City/ZIP:	<u>COMPTON 90220</u>	
Phone:	<u>(310) 605-5582 CITY ATTY OFFICE</u>	
Signature:	<u>Craig Cornwell, City Attorney</u>	
Date:	<u>JUNE 23, 2011</u>	

Attach additional sheets if necessary for further appellants.

NOTE: DETAILED POSITION PAPER WITH EVIDENCE TO FOLLOW

Appeals must be filed within 10 days after the decision is made (LBMC 21.21.502).

(Staff Use Only Below This Line)

Received by: JW App. No.: 1104-06 Filing Date: 6/24/11

Materials Required:  Plans  Photographs  Special Materials

Fee: 50  Fee Paid Project (receipt) No.: 01202952



# CITY OF LONG BEACH

DEPARTMENT OF DEVELOPMENT SERVICES

333 West Ocean Blvd., 5<sup>th</sup> Floor Long Beach, CA 90802 (562) 570-6194 FAX (562) 570-6068

## APPLICATION FOR APPEAL

An appeal is hereby made to Your Honorable Body from the decision of the

<input type="checkbox"/> Zoning Administrator	on the <u>16th</u> day of <u>June</u> , 20 <u>11</u>
<input checked="" type="checkbox"/> Planning Commission	
<input type="checkbox"/> Cultural Heritage Commission	
<input type="checkbox"/> Site Plan Review Committee	

Appellant(s): Compton Hunting and Fishing Club

Project Address: 6947 Sportsman Drive

Reasons for Appeal: Reference CUP Application 1104-06 - See attached for summary of list of reasons.. A detailed brief of the reasons, with supporting evidence, will be submitted at a later time.

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Your appellant herein respectfully requests that Your Honorable Body <b>reject</b> the decision and	<input type="checkbox"/> Approve	this application.
	<input checked="" type="checkbox"/> Deny	

	Appellant 1	Appellant 2
Name:	Compton Hunting and Fishing Club c/o Wagner Law Group, PC	
Address:	400 Oceangate, Suite 700	
City/ZIP:	Long Beach, CA 90802	
Phone:	(562) 216-2946	
Signature:	Richard P. Wagner	
Date:	June 24, 2011	

Attach additional sheets if necessary for further appellants.

Appeals must be filed within 10 days after the decision is made (LBMC 21.21.502).

(Staff Use Only Below This Line)

Received by: JW App. No.: 1104-06 Filing Date: 6/24/11

Materials Required:  Plans  Photographs  Special Materials

Fee: 50-  Fee Paid Project (receipt) No.: P20N 20293  
# 01202952

# WAGNER LAW GROUP, PC

A PROFESSIONAL CORPORATION

Richard P. Wagner  
richwagner@waglawgroup.com

Telephone: (562) 216-2946  
Facsimile: (562) 216-2960

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UNION BANK BUILDING - 400 OCEANGATE, SUITE 700, LONG BEACH, CA 90802

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## ATTACHMENT TO APPLICATION FOR APPEAL

CUP Application No. 1104-06

Applicant: Flying M Ranch, LLC

Appellant: Compton Hunting and Fishing Club

### Reasons for Appeal:

1. All of the truck traffic for the proposed use (240 trucks per day, 24 hours a day, 7 days a week over Sportsman Drive) would be over Sportsman Drive, and such traffic is too much truck traffic volume and weight for Sportsman Drive. Sportsman Drive is a narrow road with a sharp S-curve next to the intersection with Atlantic Avenue, and is not built to handle such a volume of truck traffic, nor is it built to handle the weight of the individual truck loads of the proposed use.
2. All of the truck traffic for the proposed use would ingress and egress through the intersection of Sportsman Drive and Atlantic Avenue, which will create an unsafe traffic condition in the vicinity of the intersection. This intersection is not signaled, and the proposed use will result in dangerously stacked truck traffic on both Atlantic Avenue and on Sportsman Drive, interfering with other traffic on Atlantic Avenue and Sportsman Drive.
3. The heavy volume of truck traffic for the proposed use will significantly and negatively impact emergency access to Sportsman Drive for police, fire and other such access.
4. The significant and negative impact of truck traffic over Sportsman Drive to build the project site for the proposed use was not adequately analyzed or addressed, which may involve 2000 or more loaded semi-trucks.
5. The proposed use will have significant and negative impacts on the surrounding area in terms of ambient noise from the 240 trucks that would daily use Sportsman Drive.
6. Because of the evident significant impacts the proposed use will have, the California Public Utilities Commission ("CPUC") improperly failed to comply with the California Environmental Quality Act ("CEQA") by failing to require an Environmental Impact Report ("EIR"), and to the extent the City of Long Beach relies on proceedings before the CPUC related to this project, the City of Long Beach also has improperly failed to require an EIR.
7. Because of the evident significant impacts the proposed use will have, the City of Long Beach has improperly failed to comply with CEQA by failing to require an EIR, by relying on an inapplicable exclusion from CEQA. Exhibit D of the June 16, 2011, City of Long



Beach Planning Commission Staff Report claims that the proposed project is exempt from CEQA per State guidelines Section 15303 "New Construction or Conversion of Small Structures." However, the text of Section 15303 does not include the type of construction for the proposed use, which is to convert raw land to a 13.5 acre paved truck parking lot and storage facility. The cited exemption does not apply, and thus CEQA requires an EIR.

8. Public Resources Code §21092.4 requires that the lead agency must consult with transportation planning agencies and public agencies that have transportation facilities within their jurisdictions that could be affected by a proposed project. The truck traffic from the proposed use would use exclusively the streets of the City of Compton, yet the City of Compton was not consulted.
9. The proposed use will significantly and negatively impact Appellant's use of and access to its own property on Sportsman Drive. Appellant has 200+ members, and hosts 50+ events annually (parties, assemblies, car shows, weddings, charity fundraisers, and the like), some of which are attended by 1500 or more persons, and most of which result in the 75-space parking lot at Appellant's facility being filled to capacity or overflowing. Such uses and access will be significantly and negatively impacted by the proposed use, including but not limited to for the reasons stated more generally above.
10. The feasibility of access to the proposed use from Artesia Blvd. was not properly addressed. The owner of the land where the proposed use would be located, Southern California Edison, owns all of the land of the proposed use to Artesia Blvd., and access to the proposed use should be from Artesia Blvd.
11. That part of Sportsman Drive crossing Appellant's property may not be a public road, and the proposed use fails to properly take this into account.
12. The proposed use does not address the source of water to the proposed project.

LICENSED CONTRACTORS DECLARATION				WORKER'S COMPENSATION DECLARATION			
<p>I hereby affirm that I am licensed under provisions of Chapter 9 (Commencing with Section 7000) of Division 3 of the Business and Professional Code, and my license is</p> <p>License _____ Class _____ License No. _____ Contract _____</p> <p style="text-align: center;"><b>OWNER-BUILDER DECLARATION</b></p> <p>I hereby affirm that I am exempt from the Contractors License Law for the following reason (Sec. 7031 California Business and Professional Code: Any City which requires a permit to construct, prode emblsh or repair any stnd ue prior to its issuance also requires the applicant for such permit to file a signed statement that he is a licensed contractor pursuant to the provisions of the Contractor License Law (9) (Commencing with Sec. 7000 of Div. 3 of the B. &amp; P. C.) or that he is exempt therefrom and the basis for the alleged exemption. Any violation of Sec. 7031.5 by any applicant for a permit subjects the applicant to a civil penalty of not more than five hundred dollars (\$500.00):</p> <p>• I as owner of the property employed as with wages as the ir sde compensation, will do the work of the structure is not intended or offered for sale (Sec. 7044, B. &amp; P. C.: The Contractors License Law does not apply to an owner of property who builds or improves, the work done such work himself through his own employees vide dl h such irproem ats are n dntend ed or d fere df a sale. If, however, the building or improve rts is sold with in one y earp comp letion the owner-builder will have burden of proving that he did not build or improve for the</p> <p>• I am exempt under _____, B. &amp; P. C. for this _____</p> <p>Reason _____</p> <p style="text-align: center;"><b>IMPORTANT</b></p> <p>Application is hereby made to the Superintendent of Building and Safety for a permit subject to the conditions and restrictions set forth on the front faces of this application</p> <p>1. Each person upon whose behalf this application is made and each person at whose benefit work is performed under or pursuant to any permit issued as a result of this application agrees to and shall indemnify and hold harmless the City of Long Beach its officers, rts, ad employees from any liability arising out of this state of any permit from this application.</p> <p>2. Any permit issued as a result of this application becomes null and void if work is</p>				<p>I have and will maintain workers compensation insurance required by Section 3700 of the Labor Code with the performance of the work for which this permit is issued. My workers' compensation insurance carrier and policy number are:</p> <p>Carrier: _____ Policy Number: _____</p> <p style="text-align: center;"><b>(This Section need not be completed if the permit is for one hundred dollars (\$100) or less)</b></p> <p>I certify that in the performance of the work for which this permit is issued not employ any person in any manner so as to become subject to the workers compensation laws of California agree that if I should become subject to the workers' compensation provisions of Section 3700 of the Labor Code, I shall</p> <p>Date _____ Applicant _____</p> <p><b>WARNING: FAILURE TO SECURE WORKERS COMPENSATION IS UNLAWFUL, AND SHALL SUBJECT AN EMPLOYER TO CRIMINAL PENALTIES AND CIVIL FINES UP TO ONE HUNDRED THOUSAND DOLLARS TO THE COST OF COMPENSATION DAMAGES AS PROVIDED FOR IN SECTION</b></p> <p>I hereby state that there is a construction lending agency for the performance of the work for which this permit is issued (Sec. 3907, Civ. C.).</p> <p>Lender's Name _____</p> <p>Lender's Address _____</p> <p>I certify that I have read this application and state that the above information is correct. I agree to comply with all City and State laws relating to the building construction, and to rely author ize representat ves of this city to act upon the</p> <p style="text-align: right;">Signature of Owner or Contractor _____ Date _____</p>			
JOB ADDRESS		RECEIPT NO.	DATE	PROJECT NO.			
6910 COACHELLA AVE		01202952	6/24/11	PZON22243			
JOB DESCRIPTION						AREA	
Case No. 1104-06 (CE No. 11-032): Conditional Use Permit for a short-term trailer storage facility on SCE						1000 SCE	
OWNER			OCCUPANCY		PLANNING		
NORMAN R HIBDEN					SINGLE FAMILY		
ADDRESS			ASSESSOR NO.		ZONE		
6910 COACHELLA AVE					R-1-N		
CITY	STATE	ZIP CODE	FSB	S	RSB	CENSUS TRACT	
LONG BEACH CA		90805-1359				570,401.00	
APPLICANT							
Steve Carson							
CONTRACTOR							
ADDRESS							
CITY			STATE		ZIP CODE		PHONE NO.
STATE LICENSE NO.				CITY LICENSE NO.			
ARCHITECT/ENGINEER				LICENSE NO.			
ADDRESS							
CITY			STATE		ZIP CODE		PHONE NO.
VALUATION	PRESENT BLDG USE		PROPOSED BLDG USE		BLDG HEIGHT	TYPE OF CONSTRUCTION	
0.00					4.00	PCUP	
LEGAL DESCRIPTION							

Paid by: WAGNER PALMER, PC CK 2938

\$50.00 Check (CK)