

**CONDITIONAL USE PERMIT FINDINGS****2131 E. Wardlow Rd.****Application No. 2207-32 (CUP22-025)****January 19, 2023**

Pursuant to Section 21.25.206 of the Long Beach Municipal Code, a Conditional Use Permit can be granted only when positive findings are made consistent with the following criteria set forth in the Zoning Ordinance. These findings along with staff analysis are presented below for consideration, adoption and incorporation into the record of proceedings:

**A. THE APPROVAL IS CONSISTENT WITH AND CARRIES OUT THE GENERAL PLAN, ANY APPLICABLE SPECIFIC PLANS SUCH AS THE LOCAL COASTAL PROGRAM AND ALL ZONING REGULATIONS OF THE APPLICABLE DISTRICT;**

The applicant requests a Conditional Use Permit for the proposed use of a 3.74-acre vacant asphalt parking field as a temporary trucking and trailer storage facility. The site is part of the larger property owned by Goodman, formerly the Boeing C-17 aerospace manufacturing facility. The Goodman property on the north side of Wardlow Road is currently going through master planning efforts for future development of the property as a light industrial, manufacturing, and/or logistics and distribution property consistent with the Globemaster Corridor Specific Plan (SP-3, GCSP). The proposed trucking and trailer storage use would be temporary, with an initial approval for two years and up to three one-year extensions potentially allowed, for a total of up to five years. The trucking and trailer storage use will cease at the end of the approved temporary entitlement period to make way for the property owner's future development of the site.

The majority of the site is located in the I (Industrial) PlaceType of the General Plan Land Use Element, with a portion located in the RSF (Regional Serving Facility) PlaceType. The proposed use is consistent with the land use policies of both PlaceTypes. The I PlaceType strongly encourages the continuation of industrial uses within this PlaceType, provided they are adequately separated from residential uses. The nearest residential uses are approximately 700 feet to the west, across Cherry Ave., at the nearest point to the project site, which is well beyond the typical 300-foot standard used in the Zoning Regulations to buffer residential uses from industrial uses. The I PlaceType further specifies that outdoor storage should be fully screened from public view, which will be achieved by this project's proposed improvements (see project plans in File No. 2207-32). The RSF PlaceType allows large-scale unique and different regional-serving activity centers, including industrial uses and industrial-scale operations. This is a reflection of the project site's location within the Goodman property, which consists of the former Boeing C-17 manufacturing facility. The RSF PlaceType further specifies that preferred uses include uses that serve a regional need for goods movement, which this project would accomplish.

The proposed project's implementation of General Plan strategies and policies is further discussed in the General Plan Consistency Table at the end of this Findings document.

**B. THE PROPOSED USE WILL NOT BE DETRIMENTAL TO THE SURROUNDING COMMUNITY INCLUDING PUBLIC HEALTH, SAFETY OR GENERAL WELFARE, ENVIRONMENTAL QUALITY OR QUALITY OF LIFE; AND.**

The use consists of a small truck yard/trailer storage operation on a 3.74-acre site and is below typical size thresholds where negative impacts to air quality, noise, or traffic would be expected. No hazardous materials or processes will be used or transported at the project site, and all traffic resulting from the project site will be adequately served by the existing street infrastructure and on-site parking field and site access driveway. No adverse effects upon surrounding uses or adverse health risks to persons working and living in the vicinity will occur from this project. No impacts to public safety will occur as the site is provided with adequate emergency services access. The existing site is a fully-urbanized asphalt parking field and contains no natural resources or sensitive environment or habitat.

Additionally, this is further discussed in the General Plan Consistency Table at the end of this Findings document.

**C. THE APPROVAL IS IN COMPLIANCE WITH THE SPECIAL CONDITIONS FOR SPECIFIC CONDITIONAL USE, ASSISTED IN CHAPTER 21.52**

In addition to the general findings required by Section 21.25.206 for a Conditional Use Permit, Section 21.45.168 sets forth the following special development standards for truck terminals and truck yard facilities:

**A. Special conditions for industrial uses, Section 21.52.410 and Standards for outdoor service and repair of vehicles, Section 21.45.150 shall also apply;**

These findings are discussed following the below findings in response to Section 21.45.168 special development standards.

**B. Storage. Transport containers used for storing goods, materials, or equipment to be transported by truck, train, or marine vessel may be stored anywhere on a lot, with the exception of any required corner cutoff area. No more than two (2) containers shall be stacked atop one another;**

The proposed use will not involve container storage on the ground or container stacking. All containers will remain on a truck chassis while on the site. Conditions of approval will enforce this stipulation.

**C. Clean Truck Program. All drayage trucks, as defined in the Clean Truck Program, utilized for trucking business operations shall comply with the Clean Truck Program;**

Conditions of approval will require compliance with this special development standard.

- D. Maintenance. 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 the maintenance of exterior facades of the building, designated parking areas serving the use, fences and the perimeter of the site (including all public parkways);**

Conditions of approval will require compliance with this special development standard.

- E. Facilities/Restrooms. All trucking terminals and yards shall contain office(s) and restroom facilities that are large enough to accommodate employees and guests. Truck terminals and yards are prohibited on vacant lots;**

The project has been designed to include an on-site office and restroom in a modular building (see project plans in File No. 2207-32). Conditions of approval will require compliance with this special development standard.

**F. Landscaping.**

- 1. A ten foot (10') wide landscaping buffer shall be provided on regional corridors and major arterial streets within the front yard and street side yard setback using drought tolerant plants common to the region.**

Wardlow Rd., which is the project site's only street frontage, is classified as a Minor Avenue at the location of the project site between Cherry Ave. and the terminus of this segment of Wardlow Rd. at the Long Beach Airport to the east. This requirement is not applicable.

- 2. A five foot (5') wide landscaping buffer shall be provided on minor arterial and collector streets, within the front yard and street side yard setbacks.**

Wardlow Rd., which is the project site's only street frontage, is classified as a Minor Avenue at the location of the project site between Cherry Ave. and the terminus of this segment of Wardlow Rd. at the Long Beach Airport to the east. The site has an existing landscaping buffer meeting this requirement. This landscaping buffer will be replanted and rehabilitated as part of this project. Conditions of approval will require compliance with this special development standard.

- 3. A ten-foot (10') landscaping buffer shall be provided adjacent to all residentially zoned properties using drought tolerant plants common to the region.**

The project site is not adjacent to any residentially-zoned properties, and this requirement is not applicable.

**4. All landscaping shall be permanently irrigated with a twenty-four (24) hour/seven (7) day electronic or solar powered time clock**

Conditions of approval will require compliance with this special development standard.

**G. Lighting. Lighting shall be provided in accordance with Chapter 21.41 in a relatively even pattern and in compliance with California Title 24 Energy requirements;**

The project has been designed to include lighting compliant with these requirements (see project plans in File No. 2207-32). Conditions of approval will require compliance with this special development standard.

**H. Fencing.**

**1. A maximum twelve foot (12') in height decorative fence is required at all driveways, parking and loading areas that are visible from the public right-of-way.**

Due to the temporary nature of the subject entitlement (two years with three optional one-year extensions for a total of five years), rather than require construction of a 12' CMU wall, this requirement will be met using existing chain link fence on the site frontage, which will be upgraded with a screening mesh to obscure the trucking facility from view from the public street. Conditions of approval will require compliance with this special development standard.

**2. An eight foot (8') in height decorative block wall shall be placed on all property lines adjacent to residentially zoned properties.**

The project site is not adjacent to any residentially-zoned properties, and this requirement is not applicable.

**3. Chainlink, barbed wire and razor wire fencing are prohibited, except when located atop an eight foot (8') or taller decorative fence on interior property lines, including a public alley.**

Due to the temporary nature of the subject entitlement (two years with three optional one-year extensions for a total of five years), the existing chain link fence on the site frontage will remain and will be upgraded with screening mesh to obscure the trucking facility from view from the public street. Additional chain link fencing will be used to demarcate the project site from other portions of the Goodman-owned property (see site plan/fencing plan in project file), equivalent to interior property lines. Because the use permitted by this CUP will be temporary and the site is planned for future redevelopment with new light industrial/manufacturing/distribution buildings (see discussion in staff report for this CUP), requiring the installation of hundreds of linear feet of CMU wall for a two to five-

year period is not necessary or feasible. No barbed wire will be permitted on the site. Conditions of approval will require compliance with these stipulations.

**I. Truck Queuing, Circulation, Paving and Grading.**

**1. Adequate turning radius shall be provided to allow an adequate egress and ingress to the site.**

The site plan has been designed to meet this requirement (see site plan in project file). Conditions of approval will require compliance with this special development standard.

**2. Trucking uses that accept deliveries or transfers from out of State trucks shall provide a minimum of thirty foot (30') wide curb approach.**

The reference to "out of state trucks" in this finding is an anachronistic term for typical on-highway or long-haul trucks with 53' trailers. Most trucks anticipated to utilize this site will be moving shorter 40' shipping containers on truck chassis, although 53' trailers also could use this site. Access to the driveway that accesses the project site is provided through a curb cut 37'-7" wide. Conditions of approval will require compliance with this special development standard.

**3. The site shall be designed 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 street on lots less than twelve thousand five hundred (12,500) square feet in size.**

The project site is 3.74 acres in area, and all truck and trailer maneuvering will take place within the limits of the project site and not on public streets; nor will trucks need to make backing movements into the public street (refer to site plan in project file). Conditions of approval will require compliance with this special development standard.

**4. No loading or unloading of any materials or trailers shall be allowed on the public right-of-way, including an alley.**

No materials will be loaded or unloaded at this project site, and it will be used for temporary trailer parking and storage only. Conditions of approval will require compliance with this stipulation and this special development standard.

**5. 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 five inch (5") thick asphalt paving over six inch (6") compacted road base, over compacted grade to ninety percent (90%) relative compaction, to the satisfaction of the Director of Development Services.**

Site areas to be used for truck parking will meet this requirement or will be upgraded to comply. Conditions of approval will require compliance with this special development standard.

- 6. 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.**

Due to the fact that the subject site is a metes-and-bounds defined portion of a larger property owned by a single owner (Goodman) who is also the applicant (refer to site plan in project file), the existing site drainage conditions will remain as-is because the site drainage functions as a whole across the larger Goodman property. Additionally, conditions of approval will require the applicant to install any site-specific runoff control upgrades that are feasible.

- 7. Major auto repair associated with a trucking use and subletting to trucking repair businesses shall be prohibited. Minor auto repair associated with a trucking use is allowed as an accessory use.**

No repair of truck tractors, trailers, or chassis is proposed on the subject site. Conditions of approval will enforce this stipulation.

- 8. Dumping of tires, oil, transmission fluids, filters, or any other hazardous materials is strictly prohibited.**

No dumping of tires, oil, transmission fluids or any other hazardous materials is anticipated. Conditions of approval will enforce this stipulation and will require compliance with this special development standard.

#### **Section 21.52.410 Special Conditions**

Subsection A of Section 21.45.168 of the special development standards for truck yards and truck terminal facilities requires compliance with the special conditions for industrial uses specified in Section 21.52.410, as follows:

Certain industrial uses identified in Chapter 21.33 (Industrial Uses) are subject to conditional use permit review and approval. In addition to the standard considerations and findings required to approve a conditional use permit, the following additional considerations and findings shall be made:

- A. The proposed use, and the siting and arrangement of that use on the property, will not adversely affect surrounding uses nor pose**

**adverse health risks to persons working and living in the surrounding area.**

The proposed use is located on a metes-and-bounds-defined site within a larger property owned by the applicant (Goodman). The surrounding uses are all industrial in nature and are on property owned by Goodman as well. The nearest residential uses are approximately 700 feet to the west, across Cherry Ave., at the nearest point to the project site, which is well beyond the typical 300-foot standard used in the Zoning Regulations to buffer residential uses from industrial uses.

The use itself consists of a small truck yard/trailer storage operation on a 3.74-acre site and is below typical size thresholds where negative impacts to air quality, noise, or traffic would be expected. No hazardous materials or processes will be used or transported at the project site, and all traffic resulting from the project site will be adequately served by the existing street infrastructure and on-site parking field and site access driveway. No adverse effects upon surrounding uses or adverse health risks to persons working and living in the vicinity will occur from this project.

**B. Adequate permitting and site design safeguards will be provided to ensure compliance with the performance standards for industrial uses contained in Section 21.33.090 (Performance Standards) of this Title.**

Section 21.33.090 (Performance Standards) requires compliance with the following:

**A. Purpose. The performance standards established in this Section are intended to ensure that industrial/manufacturing uses operate in a manner that protects the public health and safety, and which does not produce adverse impacts on nearby properties nor the community at large. The standards in this Section apply to all industrial/manufacturing districts. The Director of Planning and Building shall be authorized to interpret the performance standards.**

The above is an informational subsection and does not require a finding response.

**B. Standards May Be Changed. Ongoing scientific and technological advances related to the identification and measurement of impacts require that these performance standards remain up to date. These standards may be modified from time to time as required by technological changes.**

The above is an informational subsection and does not require a finding response.

**C. Noise Standards. All uses and activities shall comply with the noise regulations contained in Chapter 8.80 (Noise) of the City of Long Beach Municipal Code.**

Noise regulations are enforced by the Noise Office of the Long Beach Health and Human Services Department. Additionally, conditions of approval will require compliance with this special condition.

**D. Hours of Operation Standards. Between the hours of ten (10:00) p.m. and seven (7:00) a.m., industrial businesses shall discontinue operations that produce noise levels at the nearest residential district or hospital property line higher than those permitted under Chapter 8.80 (Noise) of the Municipal Code.**

Conditions of approval will require compliance with the noise ordinance. Noise regulations are enforced by the Noise Office of the Long Beach Health and Human Services Department.

**E. Light and Glare Standards. All lighting, reflective surfaces, or any other source of illumination shall not produce adverse effects on public streets or on any other parcel. Lights shall be shielded at lot lines so as not to be directly visible from any adjoining residential district.**

Conditions of approval will require compliance with this special condition. Furthermore, the project's lighting improvements will be subject to regulatory compliance through the Building & Safety plan check review process that will be required prior to building and electrical permit issuance for lighting improvements.

**F. On-Site Containment of Materials and Waste. No material or waste shall be deposited on a property in such a form or manner that it may be transferred off the property by natural causes or forces such as wind or rain. All materials or wastes which might cause fumes or dust, or which constitute a fire hazard, or which may be edible by or otherwise attractive to rodents or insects, shall be stored outdoors only in closed containers approved by the Director of Planning and Building.**

Conditions of approval will require compliance with this special development standard. No goods or materials will be stored on the site outside of a truck trailer or shipping container. Conditions of approval will enforce this stipulation.

**C. Truck traffic and loading activities associated with the business will not adversely impact surrounding residential neighborhoods.**

The use consists of a small truck yard/trailer storage operation on a 3.74-acre site and is below typical size thresholds where negative impacts to air quality, noise, or traffic would be expected. Additional supporting statements are contained in the traffic technical memorandum prepared by Fehr & Peers, attached to the Categorical Exemption prepared for this project (see Categorical Exemption CE-22-187).

**D. Businesses involved with hazardous waste treatment, hazardous waste disposal, or hazardous waste transfer shall comply with the following location requirements:**

- 1. The use shall not be located within two thousand feet (2,000') of any residential zone or use, any hotel or motel, any school or daycare facility, any hospital or convalescent home, any church or similar facility, or any public assembly use.**
- 2. The use shall not be located within one hundred feet (100') of any known earthquake fault, or within a fault hazard or flood hazard zone identified by the State of California.**
- 3. The use shall not be located on any land subject to liquefaction, as identified in the Seismic Safety Element of the General Plan, unless appropriate soils remediation occurs as required by the City Engineer.**

The proposed use will not involve the treatment, disposal or transfer of hazardous waste, and these findings are not applicable. Conditions of approval will enforce compliance with this stipulation.

**Section 21.45.150 Special Development Standards**

Subsection A of Section 21.45.168 of the special development standards for truck yards and truck terminal facilities requires compliance with the special development standards for outdoor service and repair of vehicles and equipment set forth in Section 21.45.150. However, the proposed project will not involve any repair of truck tractors, trailers, or chassis on the subject site. Conditions of approval will enforce this stipulation.

**D. THE RELATED DEVELOPMENT APPROVAL, IF APPLICABLE, IS CONSISTENT WITH THE GREEN BUILDING STANDARDS FOR PUBLIC AND PRIVATE DEVELOPMENT, AS LISTED IN SECTION 21.45.400.**

This project is not subject to the green building standards specified in Section 21.45.400, and this finding is not applicable.

### General Plan Consistency Table

POLICY NUMBER	HOUSING (HE)/ LAND USE (LU)/ MOBILITY (MOP)/ URBAN DESIGN (UD) ELEMENT POLICIES	FINDING
<b>Land Use Element Policies</b>		
<b>LU 1-1</b>	Promote sustainable development patterns and development intensities that use land efficiently and accommodate and encourage walking.	The project uses land efficiently by utilizing a vacant parking field in an interim period before master plan development of an industrial site.
<b>LU 6-9</b>	Encourage the redevelopment of parcels with poor land utilization such as single-use commercial structures on parcels over 5,000 square feet.	The project will allow use of a vacant, non-utilized parking field in an interim period before master plan development of an industrial site.
<b>LU 6-10</b>	Discourage fiscally draining land uses such as public storage, vacant lots and outdoor storage.	The project will develop a vacant parking field with a trucking facility on an interim basis to allow the land to be productive until master plan industrial development of the site occurs.
<b>LU 6-11</b>	Pursue new developments and businesses that add to the City's economic base, particularly those that generate sales tax and property tax increment revenue.	The project will add to the City's economic base by furthering goods movement and utilizing under-utilized land while allowing it to be financially productive in an interim period until master plan industrial development of the site occurs.
<b>LU 7-10</b>	Maintain consistency between the Land Use Element PlaceTypes and the updated Zoning Districts.	The project is consistent with the two applicable PlaceTypes (I and RSF) and the Globemaster Corridor Specific Plan, which provides the zoning and development standards for the site.
<b>LU 9-1</b>	Protect neighborhoods from the encroachment of incompatible activities or land uses that may have negative impacts on residential living environments.	The project keeps a trucking use well-separated from residential uses, with the nearest residential use approximately 700 feet away from the closest point of the subject site.
<b>LU 11-2</b>	Provide for a wide variety of creative, affordable, sustainable land use solutions to help resolve air, soil and water pollution, energy consumption and resource depletion issues.	The project will provide for goods movement and logistics turnover at a location closer to port facilities, thereby reducing excess on-highway trucking distances.

POLICY NUMBER	HOUSING (HE)/ LAND USE (LU)/ MOBILITY (MOP)/ URBAN DESIGN (UD) ELEMENT POLICIES	FINDING
LU 18-4	Increase the number of trees, first prioritizing areas identified as tree deficient, to provide the maximum benefits of improved air quality, increased carbon dioxide sequestration, reduced stormwater runoff and mitigated urban heat island effect.	The project will provide for the rehabilitation and replanting as necessary of the landscaping strip on the Wardlow Rd. frontage of the project site.
LU 20-5	Prevent stormwater runoff and pollutants from entering natural water bodies, wildlife habitats, wetlands, rivers and the Pacific Ocean.	Regulatory compliance with required standards during the permitting and construction process will meet the required standards for runoff and pollution prevention.
<b>Urban Design Element Policies</b>		
UD 19-1	Encouraging development to be sensitive to established neighborhood context, patterns, and building form and scale.	The project meets this policy through appropriate distancing of the use from residential uses and its location within a large industrial site.
UD 19-2	Ensuring the project minimizes the adverse impacts of vehicle access, parking, and loading, as well as signage, lighting, trash enclosures, and sound systems.	The project meets this policy through its relatively small scale for a trucking facility and utilization of a larger site with established access from a major street and adequate on-site maneuvering space for trucks and trailers.
UD 19-5	Providing shade trees to match existing species, add greenscape and shade, and create uniform streetscape; maintain consistent wall and fence treatment.	The project meets this policy through rehabilitation of the existing landscape buffer on the project's Wardlow Rd. frontage.