

# ATTACHMENT 1



## STAFF REPORT PLOT PLAN NO. 991

**TO:** Planning Commission

**FROM:** Public Works & Development Services

**DATE:** January 23, 2019

**CASE NO:** Plot Plan No. 991

**APPLICATION REQUEST:** Approval of a Plot Plan to allow the construction of a new warehouse building measuring approximately 40,773 square feet in the City's M-2 (Heavy Industrial) zoning district. Pursuant to Chapter 19.39 Division 10 (Site Plan Review) of the Commerce Municipal Code (CMC), a Plot Plan Review is required for any new building or structure in excess of 25,000 square feet in area.

**PROPERTY LOCATION:** ~~2222 Yates Avenue~~  
~~6800 East Washington Boulevard~~  
Commerce, CA 90040  
(APN: 6336-004-017)

**APPLICANT:** Joe Mishurda  
on behalf of North Palisades Partners LLC  
240 Newport Center Drive, Suite 200  
Newport Beach, CA 92660

**STAFF RECOMMENDATION:** Planning Commission approve Plot Plan No. 991 with the Specific Findings, Conditions of Approval, and adopt an exemption from the California Environmental Quality Act while finding that the proposal complies with Administrative Code, Title 14, Chapter 3, §15332, Class 32, In-Fill Development Projects.

**PUBLIC HEARING NOTICE:** Notice was published in the Los Cerritos Community News on January 11, 2019 and mailed out to property owners within 500 feet of the subject property.

**ATTACHMENTS:** A) Specific Findings for Plot Plan; B) Conditions of Approval; C) CEQA Analysis and D) Plans

## LAND USE, ZONING AND APPLICABLE REGULATIONS:

<b>Project Site – <del>6800 East Washington Boulevard</del> 2222 Yates Avenue</b>	
General Plan Designation:	Industrial
Zoning:	M-2 (Heavy Industrial)
Applicable Zoning Regulations:	Commerce Municipal Code Chapter 19.11, Manufacturing Zones; CMC Chapter 19.19, Development Standards; CMC Chapter 19.21, Off-Street Parking; CMC Chapter 19.23, Landscaping; CMC Chapter 19.39 Division 10, Site Plan Review; CMC Section 19.39.680 Basis for Approval.

## SURROUNDING ZONING AND LAND USES:

Direction	Zoning	Land Use
North	M-2	Industrial
South	M-2	Industrial
East	M-2	Industrial
West	M-2	Industrial

## ENVIRONMENTAL ASSESSMENT:

A Notice of Exemption from CEQA was prepared by Blodgett Baylosis Environmental Planning pursuant to the guidelines of the California Environmental Quality Act (Public Resources Code §21080(b)(9); Administrative Code, Title 14, Chapter 3, §15332, Class 32, In-Fill Development Projects. Class 32 consists of projects characterized as in-fill development meeting the conditions described as follows: 1) the project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations; 2) the proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses; 3) the project has no value as habitat for endangered, rare or threatened species; 4) approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality, and 5) the site can be adequately served by all required utilities and public services. In this case, the proposal has been designed to comply with all applicable zoning codes, including setbacks, height, as well as off-street parking. No additional entitlements such as a variance are being requested in conjunction with this proposal.

## BACKGROUND AND ANALYSIS:

The applicant is requesting approval of a plot plan to allow the construction of a new warehouse building measuring approximately 40,773 square feet, including 3,293 square feet of interior office area. Pursuant to Chapter 19.39 Division 10 (Site Plan Review) of the Commerce Municipal Code, approval by the Planning Commission is required for new buildings in excess of 25,000 square feet, thus necessitating the subject request.

The proposed project involves the development of an existing vacant property located on the southeast corner of the East Washington Boulevard and Yates Avenue intersections, measuring approximately 1.78 acres (77,477 square feet). The site has a width of approximately 278 feet (along Washington Boulevard) and a depth of approximately 280 feet (along Yates Avenue) and is situated in the City's M-2 (Heavy Industrial) Zoning District, surrounded by industrial and commercial uses. As described in the CEQA analysis, the site was previously occupied by a 43,472 square foot building that was constructed in 1963. The building was demolished in 2011 and the site is now covered over in concrete/asphalt remnants of the surface parking and loading/receiving areas. The building footprint (the portion of the site formerly occupied by the building) is covered by ruderal vegetation.

No specific business use has been identified for the proposed project. As such, no detailed interior plans have been submitted for the office or warehouse portions of the building.

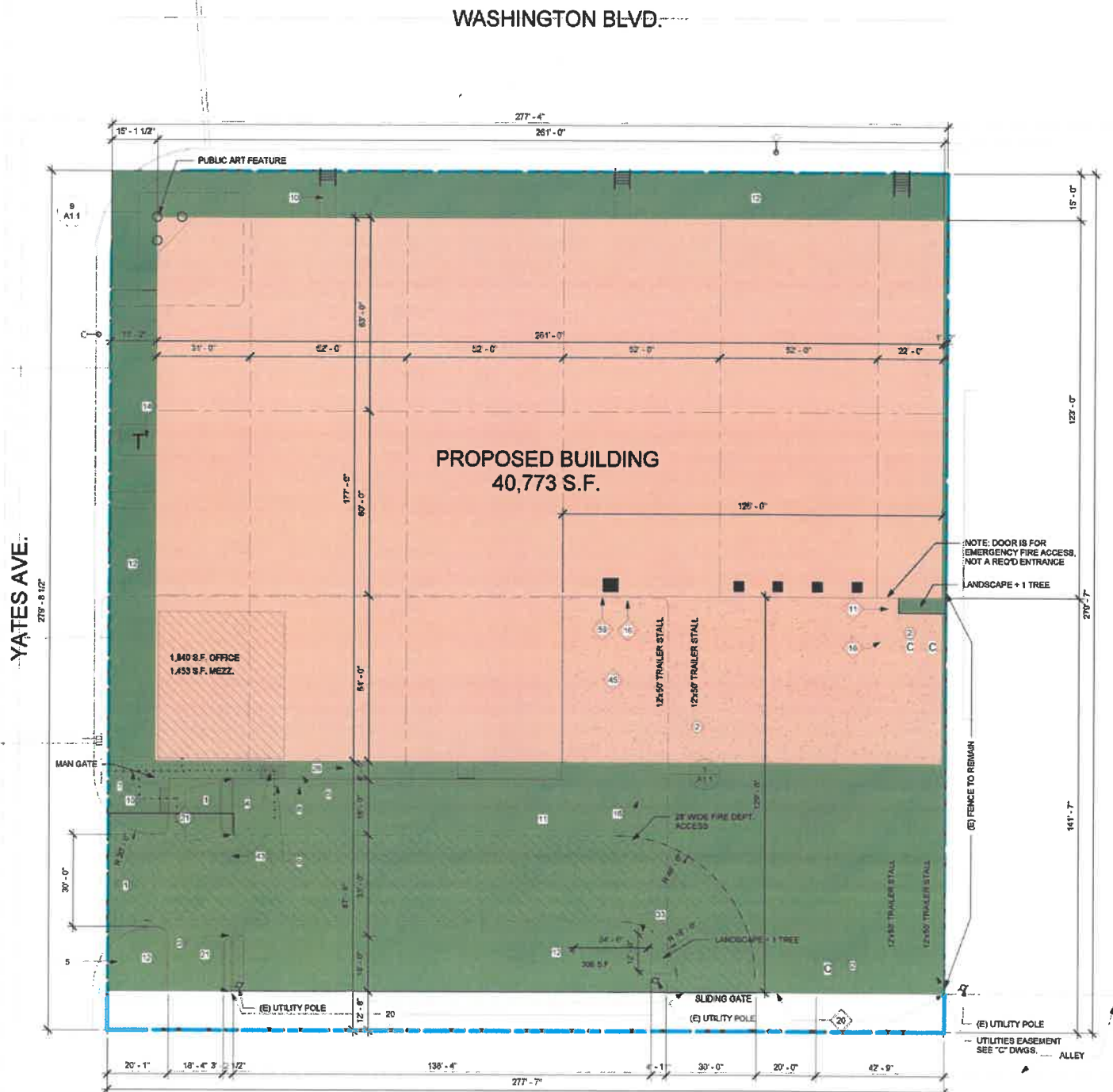
An image of the project site is shown below, outlined in red:



### **Physical Improvements:**

The applicant's proposal includes the construction of a new warehouse facility with a building footprint of approximately 39,320 square feet. As described in the CEQA analysis, the proposal will consist of the following elements:

- 37,480 square feet of warehouse space.
- 3,293 office space, which includes both ground floor area and mezzanine floor area. The office area will be located in the southwest corner of the building where the primary public entrance is located along the Yates Avenue frontage.
- Access to the site will be provided by two 30-foot wide driveways. Although the building generally fronts upon Washington Boulevard, the primary vehicular access will be provided by a driveway connection with Yates Avenue and a secondary access will be provided by driveway connection with an existing alley located to the south of the project site.
- A total of 4 dock doors will be located along the building's south-facing elevation. The project has been designed to accommodate 4 required truck parking spaces along the southerly side of the project site.
- A total of 30 surface parking spaces will be provided for employees and personal vehicles along the southerly side of the project site.
- The building footprint will cover approximately 51.7% of the project site (maximum allowable is 60%).
- The proposed height of the building is 42 feet at the truck docks and 40 feet at the non-truck dock doors.



**ATTACHMENT B**  
**CONDITIONS OF APPROVAL FOR PLOT PLAN NO. 991**

1. A Site Plan Review approval that is valid and in effect and granted pursuant to the provisions of Title 19 of the Commerce Municipal Code shall be valid only on the property for which it was granted and only for the improvements for which it is granted and further, shall continue to be valid upon change of ownership of the property or any lawfully existing building or structure on the property.
2. All conditions shall be binding upon the applicants, their successors and assigns; shall run with the land; shall limit and control the issuance and validity of certificates of occupancy; and shall restrict and limit the construction, location, and use and maintenance of all land and structures within the development.
3. This permit and all rights hereunder shall terminate within twelve months of the effective date of the permit unless operations are commenced or a written time extension is granted, based on a written request submitted prior to the expiration of the one-year period as provided in Section 19.39.720 of the Commerce Municipal Code.
4. The abandonment or non-use of this approval for a period of one year shall terminate the approval without further action of the Planning Commission or City Council, and any privileges granted thereunder shall become null and void.
5. In the event of transfer of ownership of the property involved in this application, the new owner shall be fully informed of the use and development of said property as set forth by this permit together with all conditions, which are a part thereof.
6. All parking areas shall be clearly identified. The surface parking area must be striped to clearly indicate the location and extent of vehicle parking, maneuvering areas, and drive aisles.
7. All loading must occur on-site. No short-term on-street parking will be permitted.
8. During construction, all roadways shall be kept open to traffic.
9. Equipment used for construction activities shall be properly tuned to reduce exhaust emissions.



10. Construction activities shall be stopped during first and second stage smog alerts.
11. During construction, trucks and equipment that are not in use shall shut off their engines instead of idling.
12. Construction equipment shall be kept in proper tune and mufflers shall be used on all construction equipment to reduce equipment noise.
13. Roads adjacent to the project site shall be swept as needed to reduce fugitive dust from the proposed project site.
14. All grading operations will be suspended when wind speeds (as instantaneous gusts) exceed 35 miles per hour.
15. Construction activities shall be permitted between the hours of 7:00 a.m. to 10:00 p.m. Once operational, the proposed project must conform to the City's Noise Ordinance.
16. Storage of building materials related to construction activities shall be contained within the project site.
17. The project site shall be cleared of all debris prior to the issuance of a building department final inspection.
18. The property 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.
19. Contractors and subcontractors engaged in the construction activities of the project shall obtain a business license and all required permits from the City of Commerce.
20. The contractor under the observation of the soil engineer shall conduct all clearing, site preparation, or earthwork performed on the project.
21. The soils engineer shall provide inspection for site clearing and grading in order to certify that the grading was done in accordance with approved plans and grading specifications.
22. Soils binders shall be utilized on construction sites for unpaved roads and/or parking areas.
23. The project will be required to comply with all programs adopted by the City for the reduction of solid waste.

24. Where feasible, the applicant shall use recycled materials during construction and recycle construction waste. A report shall be provided to the City of Commerce.
25. Ultra-low flow water fixtures must be installed to reduce the volume of sewage to the system.
26. The project applicant shall install energy-efficient electrical appliances and equipment in accordance with the State of California's Energy Efficiency Standards (Title 24).
27. Prior to the issuance of any occupancy permits, three (3) sets of landscaping and irrigation plans shall be prepared by a landscape architect and submitted to the City for review and approval. All designated landscaping areas shall be fully planted prior to the issuance of building permit final inspection and maintained at all times.
28. Site development shall conform to the site plan reviewed by the Planning Commission when approval of the subject project was granted.
29. Violation of any of the conditions of this approval shall be cause for revocation and termination of all rights thereunder.
30. The Public Works and Development Services Director or her designee shall have the authority to initiate proceedings to suspend or revoke a Site Plan Review approval pursuant to provisions set forth in Sections 19.39.240 through 19.39.250, inclusive, of the Commerce Municipal Code, Chapter 19.39.
31. The applicant and the contractors involved in demolition and/or construction activities must comply with all pertinent South Coast Air Quality Management District (SCAQMD) regulations and requirements governing Particulate Matter (PM10) generation (Rule 401, 403, etc.). PM10 pollution consists of very small liquid and solid particles floating in the air. These particles are less than 10 microns in diameter – about 1/7<sup>th</sup> the thickness of the human – and are known as PM10.
32. The applicant shall work with staff on the final design, layout and treatment of the proposed warehouse building, and landscape plan to insure compliance with all provisions of the Commerce Municipal Code. The final design of the structure shall be subject to the review and approval of the City's Economic Development Subcommittee and Director of Public Works and Development Services or her designee.



33. The project shall comply with the Section 19.19.220 of the CMC (General Development Standards and Design Guidelines) as well as all other applicable sections of the CMC.
34. The applicant and future tenants will be required to obtain all pertinent operating permits from the SCAQMD for any equipment requiring such permits.
35. The proposed project shall conform to Fire, Building, and Public Works Code requirements. Notwithstanding this review, all required permits from the County Department of Building and Safety must be secured.
36. The Applicant or General Contractor shall keep the construction area sufficiently damped to control dust caused by construction and hauling, and at all times provide reasonable control of dust caused by wind.
37. All materials transported off-site shall either be sufficiently watered or securely covered to prevent excessive amounts of dust and spillage.
38. The Applicant shall ensure that the contractors adhere to all pertinent SCAQMD protocols regarding grading, site preparation, and construction activities.
39. The Applicant shall ensure that the grading and building contractors must adhere to all pertinent provisions of Rule 403 pertaining to the generation of fugitive dust during grading and/or the use of equipment on unpaved surfaces. The contractors will be responsible for being familiar with, and implementing any pertinent best available control measures.
40. During construction, disposal of refuse and other materials should occur in a specified and controlled temporary area on-site physically separated from potential storm water runoff, with ultimate disposal in accordance with local, State and Federal requirements.
41. Sediment from areas disturbed by construction shall be retained on-site using structural controls to the maximum extent practicable.
42. The project shall comply with the City's Low Impact Development Standards and Green Street Policy.
43. All required permits by all permitting agencies shall be obtained for operation of said use and any construction associated with the subject request.

44. The Applicant is required to install artwork or pay an in-lieu fee subject to the City's Art In Public Places Ordinance. The cost of the artwork or in-lieu fee shall be equal to 1% of the projects valuation.
45. Violation of any of the conditions of the approval shall be cause for revocation and termination of all rights thereunder.
46. The Director of Public Works and Development Services or her designee is authorized to make minor modifications to the approved preliminary plans or any of the conditions if such modifications shall achieve substantially the same results as would strict compliance with said plans and conditions.
47. The Applicant shall sign, notarize, and return to the Public Works and Development Services Department an affidavit accepting all Conditions of Approval within 10 days from the date of the approval, unless appealed. The Applicant acknowledges and understands that all conditions set forth in this Resolution are conditions precedent to the grant of approval and failure to comply with any condition contained herein shall render this Condition Use Permit non-binding as against the City and shall confer Applicant no legal rights under the law.
48. The applicant shall defend, indemnify, and hold harmless the City, its elected and appointed officials, agents, officers, and employees from any claim, action, or proceeding brought against the city, its elected and appointed officials, agents, officers, or employees arising out of, or which are related to the applicant's project or application (collectively referred to as "proceedings"). The indemnification shall include, but not be limited to, damages, fees and/or costs, liabilities, and expenses incurred or awarded in connection with the proceedings whether incurred by the applicant, the city and/or the parties initiating or bringing such proceedings. This indemnity provision shall include the applicant's obligation to indemnify the city for all the city's costs, fees, and damages that the city incurs in enforcing the indemnification provisions set forth herein. The city shall have the right to choose its own legal counsel to represent the city's interest in the proceedings.

<b>DEPARTMENT OF PUBLIC WORKS CONDITIONS:</b>
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**The following work items are to be designed, installed and completed at the sole expense of the applicant/developer/property owner.**

Public Works Conditions were discussed with the applicant, Joe Mishurda on November 27, 2018.

### **GENERAL REQUIREMENT FEES:**

1. Prior to issuance of grading, building or other permits as appropriate, the applicant shall pay all necessary and nominal fees to the City.
2. Sewer fee will be required in addition to the fees paid to the *Sanitation Districts of Los Angeles County*, and shall be paid prior to building permit issuance.
3. Water service connection fees will be required and paid to *California Water Service* (Cal Water).
4. Separate public encroachment permit *and* Public Works inspection fees payment are required for all work in the public rights-of-way in the City.

### **PUBLIC WORKS REQUIREMENTS:**

- Before start of work, the owner/developer shall submit to the City a complete and thorough traffic engineering study of the surrounding development site. Said traffic study shall be prepared, signed, and stamped by a California registered or licensed Civil or Traffic Engineer.
- Before start of work, the owner/developer shall submit to the City a complete and thorough geotechnical / soils engineering study of the development site and surrounding area. Said geotechnical / soils study shall include soil stability analysis, soil sampling, and environmental analysis to determine if soils are contaminated. Study must be prepared, signed, and stamped by a California registered or licensed Civil or Geotechnical Engineer.

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- The owner/developer shall be required to design and construct off-site improvements to the satisfaction and approval of the Public Works & Development Services Department.
- Street, drainage improvements and traffic control plans shall be prepared by a registered civil engineer and shall be submitted to the Public Works & Development Services Department.
- All work shall be done in accordance with Standard Plans for Public Works Construction (SPPWC) or as directed by the Public Works Engineer and/or the Public Works Inspector.

**The following are required for the off-site improvements**

1. All necessary permits, including encroachment permits, building permits, utility connection permits, etc., shall be first secured through the City of Commerce, County of Los Angeles, and any other responsible or underlying agency, before any work can commence.
2. Proposed driveways, including curb & gutter (*replace only those curb & gutter sections that are badly damaged and/or have asphalt placed on top of curb, per City inspector's determination*), along the property at Yates Avenue and the alley shall be reconstructed per SPPWC standards. Actual driveway widths and dimensions shall be per City Engineer's direction. Pedestrian access shall be provided. Concrete material and placement will adhere to A.P.W.A. Standard Specifications.
3. Existing driveways along Washington Boulevard and along Yates Avenue shall be removed, *per the project plans*, and replaced with concrete sidewalk, curb, and gutter. Workmanship per SPPWC standards and concrete material and placement will adhere to A.P.W.A. Standard Specifications.
4. Remove all weeds and vegetation all along and throughout the perimeter of the property / empty lot.
5. Remove existing low-height block wall and fencing all along and throughout the perimeter of the property / empty lot.
6. Construct new concrete curb, gutter (*replace only those curb & gutter sections that are badly damaged and/or have asphalt placed on top of curb, per City inspector's determination*), and sidewalk (*replace only those sections of sidewalk that have been uplifted, per City inspector's determination*) along the perimeter of the property along Yates Avenue and along Washington Boulevard. Workmanship per SPPWC standards and concrete material and placement will adhere to A.P.W.A. Standard Specifications. Asphalt slot paving is required at a minimum width of 18-inches from the gutter plate in order to facilitate construction.
7. Any new public right-of-way (i.e., parkway) landscaping must be first approved by the City of Commerce. Complete landscaping plans, including irrigation, lighting, etc., for the parkway shall be produced by the developer / owner and submitted to the City for review and approval.
8. Install new ADA-compliant handicap curb ramp at the southeast corner of Washington Boulevard and Yates Avenue. Workmanship per SPPWC standards and concrete material and placement will adhere to A.P.W.A. Standard Specifications.

9. Remove existing traffic control box located along Washington Boulevard, near the intersection of Yates Avenue. A new traffic control box is located in the vicinity, which is NOT to be removed.
10. At Yates Avenue, replace deteriorated alley driveway, including wings and apron, and install standard alley driveway. Workmanship per SPPWC standards and concrete material and placement will adhere to A.P.W.A. Standard Specifications.
11. Replace entire deteriorating alleyway and sub-standard concrete cross-gutter located just south of the empty lot. New alleyway will be of concrete construction with reinforced steel re-bar. *The costs of replacement and re-construction of the alley will be negotiated between the two parties sharing the alleyway.* Workmanship per SPPWC standards and concrete material and placement will adhere to A.P.W.A. Standard Specifications.
12. Entire eastern *half-width* of Yates Avenue from Washington Boulevard to the southern limit of the alley driveway shall be slurry-sealed. *Consult the City Engineer for further guidance.*
- ★ 13. Actual locations of the right-of-way and property lines shall be determined by a licensed California land surveyor or pre-1982 registered Civil Engineer and nearby property owners. No encroachment of any built facility, including fences and walls, is allowed.
14. Underground on-site utilities *only*. Undergrounding work shall be conducted in coordination with Southern California Edison (SCE). Electrical wiring shall be installed underground.
15. Repair traffic signal (not standing upright) at the intersection of Washington Boulevard and Yates Avenue. *May need to relocate this traffic signal in order to accommodate the new handicap ramp.*
16. Communication lines, equipment, vaults, boxes, etc. shall be installed in coordination with AT&T, Verizon, Spectrum, Time-Warner, etc. and placed within the City's right-of-way. Communication lines shall be installed underground.
17. Remove any and all abandoned electrical and / or utility boxes or structures along the public right-of-way.
18. Sub-structures, such as sewer lines and storm drain lines (including catch basins) shall be coordinated and installed by the Los Angeles County Department of Public Works. Sewer lines and storm drain lines shall be installed within the City's right-of-way. All required fees shall be paid.

19. Any existing utility structure or facility near the entry of the subject property shall be relocated per the agency in charge of that utility structure or facility and approved by the City.
20. Adjust to grade within the City right-of-way all utility boxes, valve covers, etc. after all construction activities.
21. Coordination required with *California Water Company* (Cal Water) for the removal and installation of existing or proposed water services, water meters, valves, backflow preventers, and any fire hydrants. All water-related structures, with the exception of backflow preventers, shall be installed within the public right-of-way. The backflow preventers shall be installed within private property. Approval from the *Los Angeles County Fire Department* is required.
22. Drainage within the subject property shall be collected and required to comply with the *National Pollutant Discharge Elimination System* (NPDES) prior to discharge. If a storm drain system or a detention basin is required (depending on its location), additional conditions may apply.
23. The site grading of the facility, and the hauling and backfilling of soil, dirt, or earth, is subject to City requirements. Coordination with the City of Commerce so as to assure that site grading activities does not impact nearby properties. *Site grading shall not compromise the general stability of the nearby properties for any reason.*
24. All activities within the property, which includes but are not limited to, utility installation, site grading, dirt hauling, building construction, environmental remediation, air quality control, setback requirements, fire and code safety, etc., shall adhere to the conditions and requirements set forth by the Development Services Division (Building & Safety, Planning, Permitting, etc.) of the City of Commerce.

### **TITLE REPORT REQUIREMENT**

A Title Report not older than 6 months, a map showing the existing lots with the proper legal descriptions, and any recorded easements, are required for review and approval.

The package shall be prepared by a pre-1982 registered California civil engineer or land surveyor and additional pertaining information about the legal requirements, will be provided by the Public Works & Development Services Department.

**The following are general requirements for off-site improvements:**

- A.** Any existing improvements in the public right of way that is damaged, made off-grade during construction, including but not limited to the following: traffic signals, light standards, aprons, sidewalk, curb ramps, curb, and/or gutter, shall be removed and replaced with the appropriated SPPWC Standard or as directed by the Public Works & Development Services Department.
- B.** All site drainage shall be collected and deposited in the adjacent gutter, alley, storm drain or similar structure or device, and if necessary, filtered per NPDES regulations. Site storm and/or nuisance water shall not flow across the city sidewalk.
- C.** All new and existing, non-complying driveway aprons shall be constructed in accordance with SPPWC standards and shall provide a minimum 4 feet wide path of travel at no more than 2% cross-slope at the top of apron. Where limited parkway width occurs, the sidewalk shall be depressed at the back of apron to provide a disable access complying path of travel across the driveway apron. Top of driveway apron X shall be 5 feet minimum from any trees, power poles, traffic signal controllers, electric services or similar improvements in the public right-of-way.
- D.** All existing driveways aprons to be closed shall be removed and replaced with new curb, gutter, and sidewalk constructed in accordance with SPPWC standards.
- E.** All damaged or off-grade curb, gutter, and sidewalk shall be removed and replaced in accordance with SPPWC standards.



**6800 East Washington Boulevard, COMMERCE**



**NOT TO SCALE**

**NOTE:** The numbers above indicate the note numbers listed in the “Off-site Improvements” under Public Works Requirements.