



## **CITY OF COMMERCE AGENDA REPORT**

**TO:** Honorable City Council

**Item No.** \_\_\_\_\_

**FROM:** City Manager

**SUBJECT:** PUBLIC HEARING – Appeal of the Planning Commission’s Decision to Approve Plot Plan No. 992 and Conditional Use Permit No. 533 to allow a self-storage facility and the construction of two storage buildings measuring approximately 213,640 square feet of building area within a 5.39 acre (234,690 square feet) site in the City’s M-2 (Heavy Industrial) zoning district at 6210 Garfield Avenue.

**MEETING DATE:** NOVEMBER 19, 2019 (CONTINUED FROM NOVEMBER 5, 2019 MEETING)

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### **RECOMMENDATION:**

That the City Council conduct a public hearing, receive input from the public, consider the staff presentation, as well as information discussed herein and affirm, overturn or modify the Planning Commission’s decision to approve Conditional Use Permit (“CUP”) No. 533 and Plot Plan No. 992.

### **PUBLIC NOTICE REQUIREMENTS:**

Chapter 19.39.220 of the Commerce Municipal Code (“CMC”) requires the City of Commerce (the “City”) to publish a notice of the appeal including the time and place of the public hearing in a newspaper of general circulation in the City not less than ten (10) days prior to the date of the public hearing. Said notice was published in the Los Angeles Wave on October 10, 2019, providing a 30 day public notice for the hearing and for the Mitigated Negative Declaration. In addition, staff mailed out a notice to property owners within 500 feet of the subject property.

### **EXECUTIVE SUMMARY:**

The City Council of the City of Commerce (the “City Council”) will consider an appeal by a concerned resident of Commerce (“Concerned Citizen”), of the approval by the City of Commerce’s Planning Commission (the “Commission”) of a “CUP” and “Plot Plan” for the construction and operation of a new 213,640 square-foot two story storage facility on a 5.39 acre site (the “Project”) by Trojan Storage (“Project Applicant”). On July 30, 2019, the

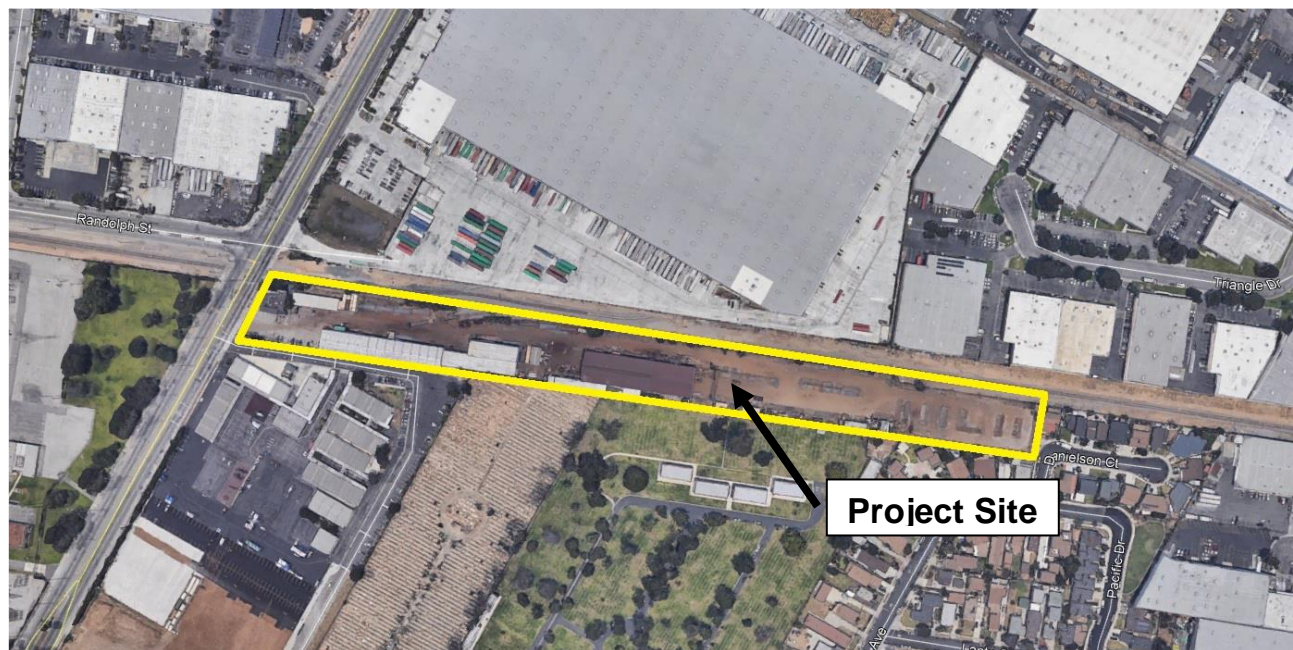
Commission determined that the required findings under the CMC to approve a CUP and a Plot Plan were met, and approved CUP No. 533 and Plot Plan No. 992. The “Concerned Citizen” submitted a letter dated August 13, 2019 to the City appealing the Commission’s approvals to the City Council. The City Council will now hold a public hearing to consider the merits of the appeal. The City Council will base its decision on information presented including, relevant City Staff Report(s), public testimony and testimony provided by City staff and members of the Commission during Commission hearings, and the Project Applicant and all testimony and facts provided to the City Council as part of the appeal process.

## **DISCUSSION:**

### **Project Description**

The project site is currently occupied by Eddie Kane Steel Products, Inc. The site includes four main buildings and ancillary structures totaling 237,372 square feet. Approximately 40% of the site is undeveloped and is generally flat in nature and is situated in the City’s Heavy Industrial Zoning District (M-2), surrounded by industrial and other uses.

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



### **Applicant**

The Project Applicant requested the approval of a conditional use permit and plot plan to allow for the operation of a self-storage facility and the construction of two storage buildings measuring approximately 213,640 square feet of building area within a 5.39 acre (234,690 square feet) site in the City’s M-2 (Heavy Industrial) zoning district. Pursuant to Chapter 19.39 Division 10 (Plot Plan Review) of the Commerce Municipal Code, approval by the Commission is required for new buildings in excess of 25,000 square feet. Pursuant to Chapter 19.39 Division 7 (Conditional Use Permit) of the Commerce Municipal Code, approval by the Commission is required for the self-storage in the M-2 zone.

Trojan Storage is a national owner, operator, and developer of self-storage facilities that has been in business since 2007. Trojan Storage has expanded considerably and operates over 2,000,000 square feet of rentable space in 24 facilities. Their facilities are currently present in Arizona, California, Colorado and Minnesota and they employ over 60 individuals.

## **Operations**

The proposed use will operate seven days a week, 365 days per year from 7:00 a.m. to 7:00 p.m. The rental office will be open seven days a week from 9:00 a.m. to 6:00 p.m., except on major holidays. On Sundays, the office will close at 4:00 p.m. There will be 4 employees including Supervisor, On-site Manager, Assistant Manager, and Maintenance team member, who will run the day-to-day operation at the facility.

Not more than one night watchmen or manager's quarters are allowed in a self storage facility under CMC Section 19.31.650.B.6b. The on-site manager will live on the property in a 1,155 square foot apartment located above the rental office. This Manager will be responsible for the day-to-day tenant interactions, maintenance, and security at the facility.

## **Site Access and Security**

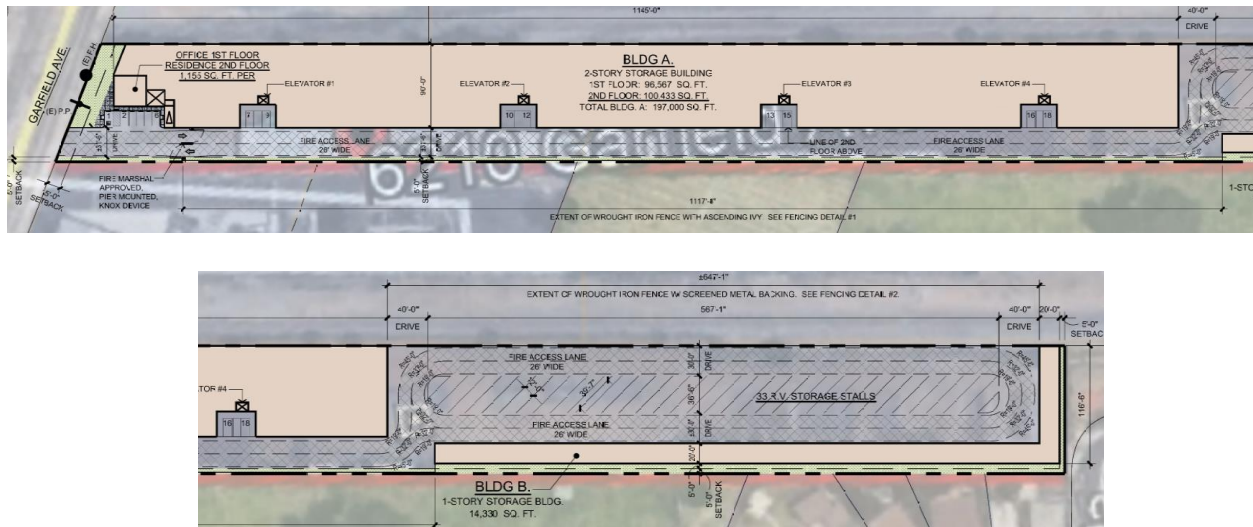
The facility tenants (customers renting the storage facility) will access the facility through a computerized entry gate. Each tenant is provided with a unique code that will unlock the gate, their storage unit, and disarms their individual storage door alarm. This process helps the management team provide a high degree of security for all tenants. The only way to enter a storage unit without entering a code would be to cut through and remove the door, which will trigger the alarm.

## **Physical Improvements**

The proposed project involves the construction of a self-storage facility within a 5.39-acre (234,788 square feet) site. The project elements are described below:

- **Project Site.** The project site has a maximum lot depth (west to east) of 2,493 feet and a maximum lot width (north to south) of 133 feet. The proposed development will have a lot coverage of 48% and a floor area ratio (FAR) of 0.90 to 1.0. The project will consist of two buildings (referred to herein as Buildings A and B).
- **Building A -** The main building will consist of two stories and will have a total floor area of 197,000 square feet. The first floor will total 96,567 square feet while the second floor will total 100,433 square feet of floor area. Building A will also include 1,155 square feet of office space on the first floor and a 1,155 square feet residence for an on-site manager on the second floor. This building will be located within the northwest portion of the project site. A total of 1,300 individual storage units are proposed.
- **Building B -** The building will consist of a single story structure totaling 14,330 square feet. This building will be located in the eastern half of the project site.

The project's site plan is shown below:



**Table 2-1  
Project Summary Table**

Project Elements	Description
Site Area	234,690
Total Building Floor Area	213,640 square feet
Lot Coverage	48%
FAR	0.90 to 1.0
Maximum Building Heights	35 ft.
Landscaping	19,300 sq.ft. (8.2% of site)
Parking	18 public spaces & 34 R.V. Spaces

### Development Standards, Parking and Maneuvering

The proposed public storage facility will comply with all of the City's basic development standards. As such, the footprint and envelope of the building will be within the limits afforded by the Zoning Ordinance. The public storage facility will provide the minimum setbacks, conform to height and will comply with both the lot coverage and floor area ratio requirements. The table below shows the minimum requirements pursuant to the CMC, as well as what the Project Applicant is proposing.

DEVELOPMENT STANDARD	REQUIRED	PROPOSED
Min. Lot Area	25,000 sf	234,690sf
Max. Building Height	35 ft	35 ft
Minimum Front Yard	15 ft	15 ft
Minimum Side Yard	None Required	0 ft and 5 ft
Minimum Rear Yard	None Required/5 ft	5 ft
Max. Lot Coverage	60%	48%
Floor Area Ratio (Minimum)	1 to 1	.91%

### Planning Commission Meetings

The consideration of the requested CUP and Plot Plan was originally considered by the Commission at its June 26, 2019 meeting. After the public hearing, staff's and the Project

Applicant's presentation and public testimony, the Commission continued further consideration of the item to the July 30, 2019 Commission meeting.

At the July 30, 2019 Commission meeting, City staff and the City Attorney provided the Commission direction regarding the establishment of conditions of approval, including a discussion regarding a possible condition regarding the funding of the City's Scholarship Fund. Staff explained that any condition of approval required a nexus to the project. Following the discussion regarding conditions of approval, the Commission did not include a donation requirement as a condition of approval. However, the Project Applicant volunteered to donate funds towards the City's scholarship fund. Following its consideration of the item and receipt of testimony from City staff and the Project Applicant, the Commission unanimously voted to approve the CUP and Plot Plan.

### **Concerned Citizen Files Appeal**

The Concerned Citizen appealed the Commission's approvals on August 13, 2019. (Attachment 3). In the letter of appeal ("Appeal Letter"), the Concerned Citizen argues that the Commission's approval erred in providing the aforementioned approvals. The Concerned Citizen stated that the Commission "placed their desire to leverage financial support for scholarships over prudent public policy". On September 5, 2019, the Appellant submitted a subsequent letter in support of the Appeal Letter submitted on August 13, 2019. (Attachment 4). The subsequent letter further explained his concerns regarding the Commission's approval of the Trojans Storage Facility at 6210 Garfield Avenue. The subsequent letter outlines four areas that the Concerned Citizen claims the Commission erred and abused its discretion:

1. The Planning Commission Action Does Not Impose Adequate Conditions
2. The Planning Commission Erred and Abused its Discretion
3. Environmental Review is Inadequate
4. The Planning Commission Leveraged Financial Support

Staff has addressed the concerns (listed above) regarding requirements and conditions under the current municipal code.

1. **The Planning Commission Actions Does Not Impose Adequate Conditions:**  
***The conditions of approval are inadequate as they do not prevent the project from exceeding the design standards established pursuant to Ordinance No. 575 (dated December 16, 2003). For example, the City's staff report makes no mention of "screening" which is specifically called out in the above-referenced ordinance to prevent the warehouse facility from being visible from any adjacent property, public right-away, or any public area.***

- a. The approved Conditional Use Permit and Plot Plan include conditions of approval required under the municipal code for this type of use. The approved Conditional Use Permit and Plot Plan also include development standards, and conditions of approval imposed by public works, building and safety and Los Angeles County Fire Department. The specific concern regarding screening is addressed in condition of approval number 34 of the approved resolution.

- i. *The project shall comply with the Section 19.19.220 and 19.31.650 of the CMC (General Development Standards and Design Guidelines) as well as all other applicable sections of the CMC.*

## **2. Planning Commission Erred and Abused its Discretion**

***The building heights established pursuant to Ordinance No.575 (Size and Scale) for any self-storage or public storage warehousing must not exceed 35 feet. Based on the City's Staff Report, the approved height associated with the Trojan Storage warehouse/office/self-storage facility is 36 feet. In the absence of a variance to exceed the maximum height, the Planning Commission erred and abused its discretion in approving the project with a height limit of 36-feet.***

- a. Staff stated the incorrect building height in the Commission staff report. However, the Project Applicant's plans clearly shows the correct maximum height of 35 feet high. The conditions of approval address the required development standards for warehouse/office/self-storage. The Commission approved the conditions of approval.

***In addition, the apartment approval as part of the Planning Commission action which appears to be allowed pursuant to Ordinance No. 575 is in direct conflict with the permitted uses allowed under the M-2 Zone. The combined uses are incompatible and would require a zone change per the current list of permitted use for the M-2 Zone contained in CMC 19.11.030-19.11.030A (Uses in Industrial Districts). The City's Code make no mention of residential uses being allowed in the M-2 Zone which encompasses the Project Site.***

- a. The current code allows for "not more than one night watchmen or managers quarters are allowed in a self-storage facility under CMC Section 19.31.650.B.6b". Here, the Project Applicant proposes one on-site manager quarters on the property. The quarters will be a 1,155 square foot apartment located above the rental office. This Manager will be responsible for the day-to-day tenant interactions, maintenance, and security at the facility. The proposed on-site manager quarters are consistent with CMC Section 19.31.650.B.6b.

## **3. Environmental Review is Inadequate**

- a. As part of the CEQA review of the project a Mitigated Negative Declaration (MND) was determined to be the appropriate level of review for this project. The level of review addressed all the areas under CEQA that would be hazardous to the environment. The mitigating measures are outlined in the conditions of approval. The soils studies of the property required that a "Soil Management Plan" (ATTACHMENT 2) be completed prior to construction. The combined clean-up plan and the less intense use of the proposed storage facility will improve the environmental impacts to the community.

## **4. Planning Commission Leveraged Financial Support**



(Despite the heading title, the item of substance that was addressed is outlined in paragraph a below and the following paragraph addresses the heading.)

- a. Section 19.31.650.B.4 of the CMC, under “Number Allowable:  
“There shall only be two mini-warehouses, self-storage facilities for every thirteen thousand residents of city, as reported by the latest available U.S. census”. There is currently only one active self-storage facility in the City at 5415 E. Olympic Boulevard (US Storage Center). The previous self-storage facility recently closed at 2045 Camfield Avenue (Storage Etc.) to make way for the expansion of the Altamed Administrative office and parking structure, approved on December 27, 2017.

As previously discussed, the Commission did not impose any conditions of approval related to funding for the City’s Scholarship Fund. However, the Project Applicant volunteered to provide funding towards the City Scholarship Fund.

### **CITY COUNCIL OPTIONS:**

Following the presentation of information to the City Council, staff is requesting that the Council consider the testimony discussed herein and provide direction to staff. In accordance with Chapter 19.39 Division Four of the CMC, the City Council, at its discretion, has the following options:

1. Based upon the facts and public testimony presented to the Commission and the facts and public testimony presented to the City Council, the City Council may deny the appeal and affirm the Planning Commission’s decision to approve CUP No. 533 and Plot Plan No. 992. Direct staff to prepare a resolution affirming the Commission’s approval including findings of fact for the City Council’s consideration at the July 30, 2019, Planning Commission meeting; or
2. Based upon the facts and public testimony presented to the Planning Commission and the facts and public testimony presented to the City Council, the City Council may grant the appeal, overturn the Planning Commission’s decision to approve the CUP No. 533 and Plot Plan No.992 and deny CUP No. 533 and Plot Plan No. 992. Direct staff to prepare a resolution overturning the Planning Commission’s approval including findings of fact for the City Council’s consideration at upcoming City Council meeting; or
3. Modify the decision of the Planning Commission.
4. Provide staff with alternative direction.

### **FISCAL IMPACT:**

This activity can be carried out without additional impact on the current operating budget.

### **RELATIONSHIP TO STRATEGIC GOALS:**

This agenda report relates to the 2016 strategic planning goal: “*Protect and Enhance the Quality of Life in the City of Commerce*”.

Recommended by: Daniel Hernandez, Director of Public Works & Development Services  
Prepared by: Manuel Acosta, Contract Planner  
Approved as to form: Noel Tapia, City Attorney  
Respectfully submitted: Edgar P. Cisneros, City Manager

ATTACHMENTS:

1. Planning Commission Staff Reports prepared for the July 30, 2019 Planning Commission meeting
2. Initial Study Mitigated Declaration and Soil Management Plan
3. Appeal Letter
4. Follow-up Appeal Letter
5. Project Plans