



City of Santa Fe Springs

Planning Commission Meeting

AGENDA

REGULAR MEETING PLANNING COMMISSION CITY HALL COUNCIL CHAMBERS

June 10, 2013
4:30 P.M.

Frank Ybarra, Chairperson
Susie Johnston, Vice Chairperson
Michael Madrigal, Commissioner
James Velasco, Commissioner
Manuel Zevallos, Commissioner

Public Comment: The public is encouraged to address the Commission on any matter listed on the agenda or on any other matter within its jurisdiction. If you wish to address the Commission, please complete the card that is provided at the rear entrance to the Council Chambers and hand the card to the Secretary or a member of staff. The Commission will hear public comment on items listed on the agenda during discussion of the matter and prior to a vote. The Commission will hear public comment on matters not listed on the agenda during the Oral Communications period.

Pursuant to provisions of the Brown Act, no action may be taken on a matter unless it is listed on the agenda or unless certain emergency or special circumstances exist. The Commission may direct staff to investigate and/or schedule certain matters for consideration at a future Commission meeting.

Americans with Disabilities Act: In compliance with the ADA, if you need special assistance to participate in a City meeting or other services offered by this City, please contact the City Clerk's Office. Notification of at least 48 hours prior to the meeting or time when services are needed will assist the City staff in assuring that reasonable arrangements can be made to provide accessibility to the meeting or service.

Please Note: Staff reports are available for inspection in the Planning & Development Department, City Hall, 11710 E. Telegraph Road, during regular business hours 7:30 a.m. – 5:30 p.m., Monday – Friday (closed every other Friday) Telephone (562) 868-0511.

1. CALL TO ORDER**2. PLEDGE OF ALLEGIANCE****3. ROLL CALL**

Commissioners Johnston, Madrigal, Velasco, Ybarra, and Zevallos

4. ORAL COMMUNICATIONS

This is the time for public comment on any matter that is not on today's agenda. Anyone wishing to speak on an agenda item is asked to please comment at the time the item is considered by the Planning Commission.

5. MINUTES

Approval of the minutes of the May 13, 2013 Regular Planning Commission Meeting.

6. PUBLIC HEARING - UNFINISHED BUSINESS**Revocation of Alcohol Sales Conditional Use Permit Case No. 53**

Revocation of Alcohol Sales Conditional Use Permit Case No. 53, which granted approval to allow the operation and maintenance of an alcoholic beverage sales use at a proposed family restaurant at 12215 Slauson Avenue, in the M-1, Light Manufacturing Zone, for inactivity for a year or more. (City of Santa Fe Springs)

7. PUBLIC HEARING – NEW BUSINESS**Revocation of Modification Permit Case No. 1220**

Revocation of Modification Permit Case No. 1220, which allowed the reduction of the required off-street parking spaces, related to the proposed restaurant use at 12215 Slauson Avenue, in the M-1, Light Manufacturing Zone, for inactivity for a year or more. (City of Santa Fe Springs)

8. NEW BUSINESS**Modification Permit Case No. 1237**

Request for Modification of Property Development Standards to allow the proposed 14' high screen wall along Shoemaker Avenue to encroach 11" (wall thickness) into the 30' front yard setback area for property located at 11688 Greenstone Avenue. The property is dual zoned; the first 340+ feet off Shoemaker Avenue is zoned M-1 (Light Manufacturing), with the remaining portion zoned M-2 (Heavy Manufacturing). (Pancal 11525 Shoemaker, LLC)

9. ANNOUNCEMENTS

- ♦ Commissioners
- ♦ Staff

10.

ADJOURNMENT

I hereby certify under penalty of perjury under the laws of the State of California, that the foregoing agenda has been posted at the following locations; 1) City Hall, 11710 Telegraph Road; 2) City Library, 11700 Telegraph Road; and 3) Town Center Plaza (Kiosk), 11740 Telegraph Road, not less than 72 hours prior to the meeting.

Teresa Cavallo

Commission Secretary

June 3, 2013

Date

**MINUTES
REGULAR MEETING
SANTA FE SPRINGS PLANNING COMMISSION
May 13, 2013**

1. CALL TO ORDER

Chairperson Ybarra called the Regular Meeting of the Planning Commission to order at 4:33 p.m.

2. PLEDGE OF ALLEGIANCE

Chairperson Ybarra led the Pledge of Allegiance.

3. ROLL CALL was taken, with the following results:

Present: Chairperson Ybarra
Vice Chairperson Johnston
Commissioner Madrigal
Commissioner Velasco
Commissioner Zevallos

Staff: Wayne Morrell, Director of Planning
Teresa Cavallo, Planning Secretary
Cuong Nguyen, Associate Planner
Luis Collazo, Code Enforcement Officer
Phillip DeRousse, Management Assistant
Anita Jimenez, City Clerk

Council: Richard Moore, Mayor
William B. Rounds, Councilmember
Laurie Rios, Councilmember

Absent: Steve Skolnik, City Attorney

Planning Commissioner Madrigal inquired about City Attorney Steve Skolnik's absence. Wayne Morrell, Director of Planning, notified everyone that City Attorney Steve Skolnik was on vacation.

4. ORAL COMMUNICATIONS

The following residents from the group "Residents Against Phibro Tech" expressed their concerns regarding the Phibro Tech Conditional Use Permit that is expected to return to the Planning Commission:

Jaime "Jim" Sanchez – also distributed a letter to City Council and Planning Commission
David Placencia
Andrew Monette, Esq.
Janie Aguirre

5. APPROVAL OF MINUTES

The minutes of the April 8, 2013 meeting were unanimously approved and filed as submitted.

6. PUBLIC HEARING - NEW BUSINESS

Revocation of Alcohol Sales Conditional Use Permit Case No. 53

Revocation of Alcohol Sales Conditional Use Permit Case No. 53, which granted approval to allow the operation and maintenance of an alcoholic beverage sales use at a proposed family restaurant at 12215 Slauson Avenue, in the M-1, Light Manufacturing Zone. (City of Santa Fe Springs)

Chairperson Frank Ybarra opened the Public Hearing at 4:45 p.m.

Luis Collazo requested this matter be tabled to the June 10, 2013 Planning Commission meeting.

Chairperson Ybarra requested a motion to continue Item No. 6 to June 10, 2013.

Commissioner Velasco moved to continue Item No. 6. Commissioner Madrigal seconded the motion, which passed unanimously.

7. PUBLIC HEARING - NEW BUSINESS

Zone Change Case No. 133 and Environmental Documents

A request for approval to change the existing BP, Buffer Parking Zoning, on the 1.124-acre property at 11318 Norwalk Boulevard (APN: 8025-001-016) to M-2, Heavy Manufacturing. The property is zoned C-4, M-2 and BP, Community Commercial, Heavy Manufacturing and Buffer Parking, with a General Plan Land Use designation of Commercial and Industrial, and is located within the Consolidated Redevelopment Project Area. (Justin Robinson for Verizon Wireless)

Chairperson Ybarra opened the Public Hearing at 4:46 p.m.

Wayne Morrell, Director Planning presented Item No. 7.

Commissioner Madrigal inquired about the impact the zone change would have on existing businesses on site. Wayne Morrell responded that there would be none.

Having no further questions, Chairperson Ybarra closed the Public Hearing and requested a motion to approve Item No. 7.

Vice Chairperson Johnston moved to approve Item No. 7. Commissioner Velasco seconded the motion, which passed unanimously.

8. PUBLIC HEARING - NEW BUSINESS

Conditional Use Permit Case No. 741

A request for approval to allow the establishment, operation and maintenance of a use to recycle metals, plastics and electronics, and to receive and purchase non-commercial/business related scrap metals within a 35,134 sq ft building at 12234 Florence Avenue (APN: 8009-022-064), in the M-2, Heavy Manufacturing, Zone, within the Consolidated Redevelopment Project Area. (Fortune Metal, Inc. of Rhode Island)

Chairperson Ybarra opened the Public Hearing at 4:52 p.m.

Wayne Morrell, Director of Planning presented Item No. 8. Tim Medley, representative for Fortune Metal, Inc. of Rhode Island was also present in the audience.

Commissioner Zevallos inquired about the materials leaving the facility and if any impacts existed on traffic.

Representative Tim Medley indicated that the material is bundled or shipped in containers to their Bakersfield facility. The trucks drive on Norwalk Boulevard to Imperial Highway to 605 freeway.

Commissioner Velasco inquired on the number of trucks that drive in and out for deliveries and if the facility is open to the public.

Mr. Medley indicated that there are usually seven (7) trucks, per week, that deliver to this location and three (3) trucks, per week, that leave this location for Bakersfield. This location is open Monday through Friday between the business hours of 7:30 a.m. – 4:00 p.m., and sometimes Saturday depending on the demand; however, it is not open to the public.

Commissioner Madrigal commented that the area between the buildings is tight and difficult to maneuver and inquired about the scale between the buildings and Chairperson Ybarra inquired if all materials are recycled at this location.

Mr. Medley indicated that the two buildings were built at the same time by the same builder and was intended to be built and sold as one lot but was separated into two lots and later sold separately. The scale is only used for business purposes as per the agreement with the City of Santa Fe Springs and all materials at this location are recycled.

Having no further questions, Commissioner Ybarra closed the Public Hearing and requested a motion for Item No. 8.

Commissioner Velasco moved to approve Item No. 8. Commissioner Madrigal seconded the motion, which passed unanimously.

9. PUBLIC HEARING - NEW BUSINESS

Tentative Parcel Map No. 72154

A request for approval to subdivide two existing and improved lots with a total combined area of ±33,600 sq ft, (APN: 7005-001-036, addressed as 14912 and 14920 Shoemaker Avenue and APN: 7005-001-037, addressed as 14,928 and 14938 Shoemaker Avenue) into four parcels: Parcel 1 of 9,070 sq ft; Parcel 2 of 8,218 sq ft; Parcel 3 of 8,126 sq ft; and Parcel 4 of 8,126 sq ft. The properties are zoned M-2, Heavy Manufacturing Zone with a General Plan Land Use designation of Industrial. (Samir Khoury for Cornerstone Operating L.P.)

Chairperson Ybarra opened the Public Hearing at 5:06 p.m.

Wayne Morrell, Director of Planning presented Item No. 9.

Having no questions, Chairperson Ybarra closed the Public Hearing and requested a motion for Item No. 9.

Vice Chairperson Johnston moved to approve Item No. 9. Commissioner Zevallos seconded that motion, which passed unanimously.

10. CONSENT AGENDA

Consent Agenda items are considered routine matters which may be enacted by one motion and roll call vote. Any item may be removed from the Consent Agenda and considered separately by the Planning Commission.

A. CONSENT AGENDA – NEW BUSINESS

Conditional Use Permit Case No. 654-2

Compliance review to allow the continued operation and maintenance of an ambulance service use within the 22,815 sq. ft. concrete tilt-up building located at 12160 Mora Drive, M-2, Heavy Manufacturing, Zone, within the Consolidated Redevelopment Project Area. (Lyle Hanson for Care Ambulance Service, Inc.)

Having no questions, Commissioner Velasco made a motion to approve Item No. 10A. Vice Chairperson Johnston seconded the motion which passed unanimously.

11. NOTICE OF PUBLIC MEETING

Informative/Educational Presentation on a future proposed Materials Recovery Facility (MRF) and Transfer Station (TS) located at 9010 and 9016 Norwalk Boulevard, Santa Fe Springs, California 90670 and does not require any action by the Planning Commission.

Wayne Morrell, Director of Planning presented Item No. 11. Wayne Morrell informed everyone that notices were sent to everyone within the 500 sq. ft. radius, and also to county residents along Perkins Avenue.

Present in the audience for questions, comments and/or to present were: Mark Blackburn, owner of UWS; Marc Blodgett, Blodgett Baylosis Associates; Chip Clements, Clements Environmental Corp.; and, Thomas Sloan, S.M.A.R.T., Inc.

Commissioners asked questions regarding traffic impacts, resident dump fees, site comparisons, permitted tonnage, odor concerns, sanitation standards, State storage standards, difference between enclosed and open MRF and TS stations, machinery involved, recycling trends, as well as the tour Planning Commissioners and invited residents took of the Signal Hill facility.

The following residents addressed the Planning Commission regarding Item No. 11:

Gloria Duran
Gilbert Aguirre
Janie Aguirre
John Guzman

John Guzman invited everyone to the Los Angeles County MASH meeting, for Los Nietos residents, to present the Informative/Educational presentation there too.

12. ANNOUNCEMENTS

Commissioners:

Chairperson Ybarra acknowledged Councilmembers Richard Moore, William B. Rounds, Laurie Rios and Norwalk Councilmember Mike Mendez.

Commissioner Madrigal indicated that the presentation was very informative and brought some relief to him and likely to the residents in attendance.

Commissioner Velasco thanked the residents in attendance and for being open minded, he also thanked Mr. Blackburn, Marc Blodgett, and Chip Clements for their presentations.

Commissioner Zevallos also thanked everyone.

Chairperson Johnston also thanked everyone.

Staff:

None.

13. ADJOURNMENT

Chairperson Ybarra adjourned the Planning Commission meeting at 6:48 p.m.

Chairperson Ybarra

ATTEST:

Teresa Cavallo, Planning Secretary



UNFINISHED BUSINESS

Revocation of Alcohol Sales Conditional Use Permit Case No. 53

Revocation of Alcohol Sales Conditional Use Permit Case No. 53, which granted approval to allow the operation and maintenance of an alcoholic beverage sales use at a proposed family restaurant at 12215 Slauson Avenue, in the M-1, Light Manufacturing Zone, for inactivity for a year or more. (City of Santa Fe Springs)

RECOMMENDATIONS

1. That the Planning Commission find that the proposed family restaurant, to which Alcohol Sales Conditional Use Permit Case No. 53 was granted, did not open for business at any time since its approval date of November 22, 2011. As a result, the action to revoke and nullify this Permit complies with the requirements and provisions under Section 155.811(D).
2. That the Planning Commission revoke and nullify Alcohol Sales Conditional Use Permit Case No. 53.

This matter was continued from the Planning Commission meeting of May 13, 2013. The Public Hearing was opened and continued with no comments from the public or any interested party.

BACKGROUND

The Planning Commission and the City Council at their respective meetings of November 14 and November 22, 2011, approved Alcohol Sales Conditional Use Permit (ASCUP) Case No. 53, to allow the sale and storage of alcoholic beverages for on-site consumption within a proposed restaurant named "The Dugout". The restaurant never opened for business.

In accordance with Section 155.811(D), Staff is recommending to the Planning Commission to revoke and nullify Alcohol Sales Conditional Use Permit Case No. 53 because the entitlement has been inactive for over a year.

ZONING ORDINANCE REQUIREMENTS

Section 155.811 provides that any variance, modification, permit or other approval may be revoked and nullified if it is found that any one of the following conditions apply:

- (A) That the approval was obtained by fraud or faulty information.
- (B) That the permit or variance has been or is being exercised contrary to the terms or conditions of approval, or is in violation of any statute, ordinance, law or regulation.
- (C) That the use is being exercised in such a way as to be detrimental to the public health or safety or in such a manner as to constitute a nuisance.
- (D) That the use for which approval was granted has ceased to exist or has been suspended for one year or more.

Staff finds that Section 155.811(D) applies because the restaurant never opened for business and currently ceases to exist.

LEGAL NOTICE OF PUBLIC HEARING

This matter was set for Public Hearing in accordance with the requirements of Sections 65090 and 65091 of the State Planning, Zoning and Development Laws and the requirements of Sections 155.860 through 155.864 of the City's Municipal Code.

In accordance with Section 155.813 the applicant, Jesus M. Mireles, was notified by a letter mailed on April 17, 2013 (Exhibit "A"); the letter was mailed via Certified Mail ten days or more prior to the date of this hearing to revoke and nullify ASCUP Case No. 53. Mr. Mireles was also notified of the appeal process to cease the process for revocation.

Legal notice of the Public Hearing to revoke and nullify Alcohol Sales Conditional Use Permit Case No. 53 was also sent via first class mail to all property owners whose names and addresses appear on the latest County Assessor's Roll within 500 feet of the exterior boundaries of the subject property on April 30, 2013. The legal notice was also posted in Santa Fe Springs City Hall, the City Library and Town Center on April 30, 2013, as required by the State Zoning and Development Laws and by the City's Zoning Regulations. Staff has not received any inquiries regarding the proposal, and Mr. Mireles did not submit a formal appeal.



Dino Torres
Director of Police Services



Wayne M. Morrell
Director of Planning

Attachments: Exhibit A

Exhibit A

11576 Telegraph Road CA 90670-9928 (562) 409-1850 Fax (562) 409-1854 www.santafesprings.org

POLICE SERVICES CENTER

April 17, 2013

Jesus M. Mireles
15615 Pintura Drive
Hacienda Heights, CA 91745

VIA CERTIFIED MAIL

Subject: Alcohol Sales Conditional Use Permit Case No. 53
For Premises at: 12215 Slauson Avenue

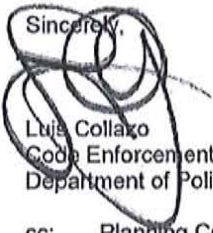
The Planning Commission and the City Council, at their respective meetings of November 14 and November 22, 2011, approved your request for Alcohol Sales Conditional Use Permit (ASCUP) Case No. 53. Section 155.811(D) of the City's Zoning Code provides that any permit granted by the Planning Commission or City Council may be revoked if the "use for which approval was granted has ceased to exist or has been suspended for one year or more." Our records indicate that occupancy of the property at 12215 Slauson Avenue, for which ASCUP Case No. 53 was granted to over a year ago, was never obtained.

Accordingly, on May 13, 2013, the Planning Commission will conduct a Public Hearing to revoke ASCUP Case No. 53 in compliance with Section 155.811(D). This Notice fulfills Section 155.813 which requires notification to the applicant via certified mail within ten days prior to the revocation Hearing date. Moreover, property owners within 500 feet of the subject site will be notified of the Public Hearing.

If you feel that this Permit should not be revoked, you may appeal this decision by filing an appeal with the City Clerk's office (located at 11710 E. Telegraph Road, Santa Fe Springs, CA 90670) within 10 calendar days of the date of this notice. No fee shall be due for the filing of an appeal. Failure to file a timely appeal shall constitute a waiver of your right to any further administrative appeal and shall render this decision final. The procedure to be followed upon receipt of a timely appeal is contained in Section 35.094 of the City Code.

If you have any questions regarding this matter, please do not hesitate to call me at (562) 409-1850, extension 3320.

Sincerely,


Luis Collazo
Code Enforcement Officer
Department of Police Services

cc: Planning Commission
Dino Torres, Director of Police Services
Wayne Morrell, Director of Planning
Anita Jimenez, Deputy City Clerk
Aziz Mokhtar, Property Owner



City of Santa Fe Springs

Planning Commission Meeting

June 10, 2013

PUBLIC HEARING - NEW BUSINESS

Revocation of Modification Permit Case No. 1220

Revocation of Modification Permit Case No. 1220, which allowed the reduction of the required off-street parking spaces, related to the proposed restaurant use at 12215 Slauson Avenue, in the M-1, Light Manufacturing Zone, for inactivity for a year or more. (City of Santa Fe Springs)

RECOMMENDATIONS

1. That the Planning Commission find that the proposed family restaurant to which Modification Permit Case No. 1220 was granted did not open for business at any time since its approval date of November 14, 2011 and find that the action to revoke and nullify this Permit complies with the requirements and provisions under Section 155.811(D).
2. That the Planning Commission revoke and nullify Modification Permit Case No. 1220.

BACKGROUND

The Planning Commission at their meeting of November 14, 2011, approved Modification Permit (MOD) Case No. 1220, to allow the reduction of the required off-street parking spaces on a property proposed for a family restaurant named "The Dugout".

In accordance with Section 155.811(D), and because the proposed restaurant never opened for business, Staff is recommending that the Planning Commission revoke and nullify MOD Permit Case No. 1220 because the entitlement has been inactive for over a year.

ZONING ORDINANCE REQUIREMENTS

Section 155.811 provides that any variance, modification, permit or other approval may be revoked and nullified if it is found that any one of the following conditions apply:

- (A) That the approval was obtained by fraud or faulty information.

- (B) That the permit or variance has been or is being exercised contrary to the terms or conditions of approval, or is in violation of any statute, ordinance, law or regulation.
- (C) That the use is being exercised in such a way as to be detrimental to the public health or safety or in such a manner as to constitute a nuisance.
- (D) That the use for which approval was granted has ceased to exist or has been suspended for one year or more.

Staff finds that Section 155.811(D) applies because the restaurant never opened for business and currently ceases to exist.

LEGAL NOTICE OF PUBLIC HEARING

This matter was set for Public Hearing in accordance with the requirements of Sections 65090 and 65091 of the State Planning, Zoning and Development Laws and the requirements of Sections 155.860 through 155.864 of the City's Municipal Code.

In accordance with Section 155.813 the Applicant, Jesus M. Mireles, was notified by a letter mailed on May 29, 2013 (Exhibit "A"); the letter was mailed via Certified Mail (Exhibit "B") ten days or more prior to the date of this hearing to revoke and nullify MOD Case No. 1220. Mr. Mireles was also notified of the appeal process to cease the process for revocation.

Legal notice of the Public Hearing to revoke and nullify MOD Case No. 1220 was also sent via first class mail to all property owners whose names and addresses appear on the latest County Assessor's Roll within 500 feet of the exterior boundaries of the subject property on May 31, 2013. The legal notice was also posted in Santa Fe Springs City Hall, the City Library and Town Center on May 31, 2013, as required by the State Zoning and Development Laws and by the City's Zoning Regulations. As of June 5, 2013, Staff has not received any inquiries regarding the proposal, and Mr. Mireles did not submit an appeal formerly or otherwise.



Dino Torres
Director of Police Services



Wayne M. Morrell
Director of Planning

Attachments: Exhibit A

Exhibit A11576 Telegraph Road • CA • 90670-9928 • (562) 409-1850 • Fax (562) 409-1854 • www.santafesprings.org**POLICE SERVICES CENTER**

May 29, 2013

Jesus M. Mireles
15815 Pintura Drive
Hacienda Heights, CA 91745

MAILED VIA CERTIFIED MAIL

Subject: Modification Permit Case No. 1220
For Premises at: 12215 Slauson Avenue

The Planning Commission, at their meeting of November 14, 2011, approved your request for Modification Permit (MOD) Case No. 1220. Section 155.811(D) of the City's Zoning Code provides that any permit granted by the Planning Commission may be revoked if the "use for which approval was granted has ceased to exist or has been suspended for one year or more." Our records indicate that occupancy of the property at 12215 Slauson Avenue, for which MOD Case No. 1220 was granted to over a year ago, was never obtained.

Accordingly, on June 10, 2013, the Planning Commission will conduct a Public Hearing to revoke MOD Case No. 1220 in compliance with Section 155.811(D). This Notice fulfills Section 155.813 which requires notification to the applicant via certified mail ten days prior to the revocation hearing date. Moreover, property owners within 500 feet of the subject site will be notified of the Public Hearing being held by the Planning Commission.

If you feel that this Permit should not be revoked, you may appeal this decision by filing an appeal with the City Clerk's office (Located at 11710 Telegraph Road, Santa Fe Springs, CA 90670) within 10 calendar days of the date of this notice. No fee shall be due for filing of an appeal. Failure to file a timely appeal shall render this decision final. The procedure to be followed for an appeal is contained within Section 35.094 of the City Code.

If you have any questions regarding this matter, please do not hesitate to contact me at (562) 409-1850, extension 3320.

Sincerely,



Luis Collazo
Code Enforcement Officer
Department of Police Services

cc: Planning Commission
Dino Torres, Director of Police Services
Wayne Morrell, Director of Planning
Anita Jimenez, Deputy City Clerk
Aziz Mokhtar, Property Owner



NEW BUSINESS

Modification Permit Case No. 1237

Request for Modification of Property Development Standards to allow the proposed 14' high screen wall along Shoemaker Avenue to encroach 11" (wall thickness) into the 30' front yard setback area for property located at 11688 Greenstone Avenue. The property is dual zoned; the first 340+ feet off Shoemaker Avenue is zoned M-1 (Light Manufacturing), with the remaining portion zoned M-2 (Heavy Manufacturing). (Pancal 11525 Shoemaker, LLC)

RECOMMENDATIONS

Staff recommends that the Planning Commission take the following actions:

1. Find that the proposed project, if conducted in strict compliance with the conditions of approval, will be harmonious with adjoining properties and surrounding uses in the area and will be in conformance with the overall purposes and objectives of the Zoning Regulations and consistent with the goals, policies and programs of the City's General Plan.
2. Find that the applicant's Modification Permit request meets the criteria set forth in Section 155.695 of the City's Zoning Regulation for the granting of a Modification in nonresidential zones.
3. Find that the current proposal will remain within the scope of the previously-prepared Initial Study/Mitigated Negative Declaration for the original Development Plan Approval (DPA 876), and since there is no substantial evidence that the proposed modification of property development standard will have a significant adverse effect on the environment, no new environmental documents are therefore required.
4. Approve Modification Permit Case No. 1237, subject to the conditions of approval as contained within this staff report.

BACKGROUND/DESCRIPTION OF REQUEST

The subject 15.74-acre property is located at 11688 Greenstone Avenue (APN: 8026-018-022). The subject property is located south of Lakeland Road and north of Imperial Highway, and is bounded by Greenstone Avenue (on the west) and Shoemaker Avenue (on the east). The site is dual zoned; the first 340± feet off Shoemaker Avenue is zoned M-1, Light Manufacturing, with the remaining portion zoned M-2, Heavy Manufacturing.

On March 12, 2012, the Planning Commission approved Development Plan Approval (DPA) Case No. 876 to allow the construction of two new industrial buildings totaling 364,549 sq. ft. (BLDG 1: 328,378 sq. ft. and BLDG 2: 36,171 sq. ft.). At the same meeting, the Commission also approved Modification Permit (MOD) Case No. 1225 to reserve and not provide approximately 50% of the total required off-street parking spaces associated with the project. It should be noted that the applicant has since decided not to construct Building 2 and instead has decided to pave and stripe the area for additional (truck) parking. The option to provide truck parking was one of two proposed alternatives when the DPA was originally presented.

The applicant is now seeking approval for a modification of property development standards to allow a 14' high screen wall that was proposed along Shoemaker Avenue to encroach 11" into the front yard setback area. Since Shoemaker Avenue is a secondary highway, pursuant to Section 155.218 (see Code Section below), the front yard setback requirement along Shoemaker Avenue is 30' feet. Any wall that exceeds 42" in height must be located behind the front yard setback area. The proposed screen wall is 14' high and setback 29'-1", thus approval of the subject modification permit is necessary to allow the wall to remain within the required front yard setback area.

City of Santa Fe Springs – Zoning Regulations
Section 155.218 – FRONT YARD SETBACK

Each lot shall have a front yard of not less than 20 feet extending across the full width of the lot, except that where adjoining a major or secondary highway, or a street adjoining a freeway, the front yard shall be 30 feet. Notwithstanding this provision, on any lot containing a building with a height greater than the minimum front yard setback distance of the lot, the front yard setback shall be one foot for each foot of building height or portion thereof.

STREETS AND HIGHWAYS

Although access will only be provided along Greenstone Avenue, the property does technically have frontages along both Shoemaker Avenue and Greenstone Avenue. Shoemaker Avenue is classified as a "Secondary Highway" within the Circulation Element of the City's General Plan. Greenstone Avenue is a local industrial street.

ZONING AND LAND USE

The subject property is zoned M-1, Light Manufacturing, and M-2, Heavy Manufacturing, with a General Plan Land Use designation of Industrial. Properties to the north and south are dually zoned in the same manner as the subject site. Properties to the west are zoned M-2 with a Land Use designation of Industrial. Properties to the east are within Los Angeles County and consist of residential dwellings

ENVIRONMENTAL DOCUMENTS

A Mitigated Negative Declaration was previously-prepared and was approved by the Planning Commission on March 2012, in conjunction with the original Development Plan Approval (DPA 876). The current request does not involve any new structures that was not already reviewed and approved in the original DPA. Staff, therefore, finds the current proposal will remain within the scope of the initial environmental review since there is no substantial evidence that the proposed modification of property development standards will have a significant adverse effect on the environment; consequently, no further environmental documents are required.

NOTICE TO ADJACENT PROPERTY OWNERS

The Planning Commission should note that, as with similar requests, staff mailed a notice of public hearing to the adjacent property owners (north, south, east and west) to advise them of the Modification Permit request and of the date and time when this matter would be considered by the Planning Commission. A total of 24 notices were mailed out to said property owners on May 31, 2013. To date, staff has not received any correspondence from the surrounding property owners that received the notice.

REQUIRED SHOWING

In accordance with Section 155.695 of the City's Zoning Regulations, a Modification Permit request by an applicant in non-residential zones may be granted by the Planning Commission if the applicant shows the following conditions apply:

(A) *That the granting of the modification would not grant special privileges to the applicant not enjoyed by other property owners in the area.*

The Planning Commission would not be granting special privileges to the applicant since similar requests have been granted in the past. The chart provided below identifies previous Modification Permits that were granted to allow various walls/fences to encroach into the required front yard setback area:

Recent Modification Permit Approvals

Case No.	Site Address	Deviation	Date Approved
MOD 598	9816 Arlee Avenue	Wall Encroachment	June 1978
MOD 882	11245 Syringa Street	Wall Encroachment	Feb. 1986
MOD 1160	9640 Santa Fe Springs Road	Wall Encroachment	July 2004
MOD 1162	12624 Rosecrans Avenue	Wall Encroachment	Sept. 2004

(B) *That the subject property cannot be used in a reasonable manner under the existing regulations.*

To comply with existing regulations, the proposed screen wall would need to be setback an additional 11" which would reduce the minimum 26' Fire Lane requirement to only 25'-1". But to date, there is no previous Modification Permit

granted which has allowed someone to reduce the Fire Lane width. It is staff recommendation that we do not consider setting that precedent with this case.

(C) *That the hardship involved is due to unusual or unique circumstances.*

Although the screen wall is proposed at 29'-1" (11" reduction to front yard setback), it should be noted that the building wall will still be 61' feet setback from the front property line along Shoemaker Avenue. At 61' feet, the building is setback more than twice the width of the standard 30' foot setback typically required for an industrial zoned property. From a visual standpoint, an additional 11" setback for the screen wall is hardly noticeable in an instance where the building setback is 61' feet.

Additionally, the unique circumstance here is that the subject property has dual street frontage. Although there is frontage along Shoemaker Avenue, public access onto the site will only be along Greenstone Avenue. The setback along Shoemaker is therefore mainly to reduce the impact of the building mass. Staff believes that this has already been accomplished with the 61' feet setback of the building.

(D) *That the modification, if granted, would not be detrimental to other persons or properties in the area nor be detrimental to the community in general.*

Granting the Modification Permit request would not be detrimental to other persons, properties in the area, or the community in general. The proposed screen walls were required by the Planning Department to help screen the truck yards and trucking activity on the subject property. Additionally, the color and finish of the screen walls were specifically designed to match the building. As noted previously, the additional 11" setback will not have a huge visual impact from Shoemaker Avenue since the actual building setback is more than twice the standard setback.

STAFF CONSIDERATIONS

For the aforementioned reasons and findings, staff finds that approval of Modification Permit Case No. 1237 will not be detrimental to the property of others or to the community as a whole and is, therefore, recommending approval of the Modification Permit request subject to the conditions of approval as contained in this report.

CONDITIONS OF APPROVAL:

PLANNING AND DEVELOPMENT DEPARTMENT: **(Contact: Cuong Nguyen at 562.868-0511 x7359)**

1. That the subject screen wall and fence shall be maintained in accordance with the site plan and elevation submitted by the applicant and on file with the case.

2. That the applicant shall obtain all necessary permits and approvals from the Building, Planning and Fire Department for construction of the screen wall and fence.
3. That pursuant to Section 35.095 (4a and b) of the Municipal Code, all general contractors and sub-contractors, prior to the start of any work related to the subject project, shall obtain a business license from the City of Santa Fe Springs. A copy of the said business license certificate shall be submitted to the general contractor and maintained at the project site at all times. Contact Cecilia Pasos, Business License Clerk, at (562) 868-0511, extension 7527, to obtain a business license application or one can be downloaded at www.santafesprings.org
4. That all other applicable requirements of the City's Zoning Regulation, Property Maintenance Ordinance, Los Angeles County Building Code, Fire Code and all other applicable regulations shall be complied with.
5. That the applicant agrees to defend, indemnify and hold harmless the City of Santa Fe Springs, its agents, officers and employees from any claim, action or proceeding against the City or its agents, officers or employees to attack, set aside, void or annul an approval of the City or any of its councils, commissions, committees or boards concerning Modification Permit Case No. 1224, when action is brought within the time period provided for in the City's Zoning Ordinance, Section 155.865. Should the City, its agents, officers or employees receive notice of any such claim, action or proceeding, the City shall promptly notify the owner/developer of such claim, action or proceeding, and shall cooperate fully in the defense thereof.
6. It is hereby declare to be the intent that if any provision of this Permit is violated or held to be invalid, or if any law, statute or ordinance is violated, the Permit shall be void and the privileges granted hereunder shall lapse.



Wayne M. Morrell
Director of Planning

Attachments:

1. Aerial Photograph
2. Site Plan
3. Section Drawing
4. MOD 1237 – Application

C:\Cuong\Cases\Aug.12-Aug.13\MOD 1237 - Pancel 11525 Shoemaker, LLC\MOD1237_PCRPT.doc

Aerial Photograph



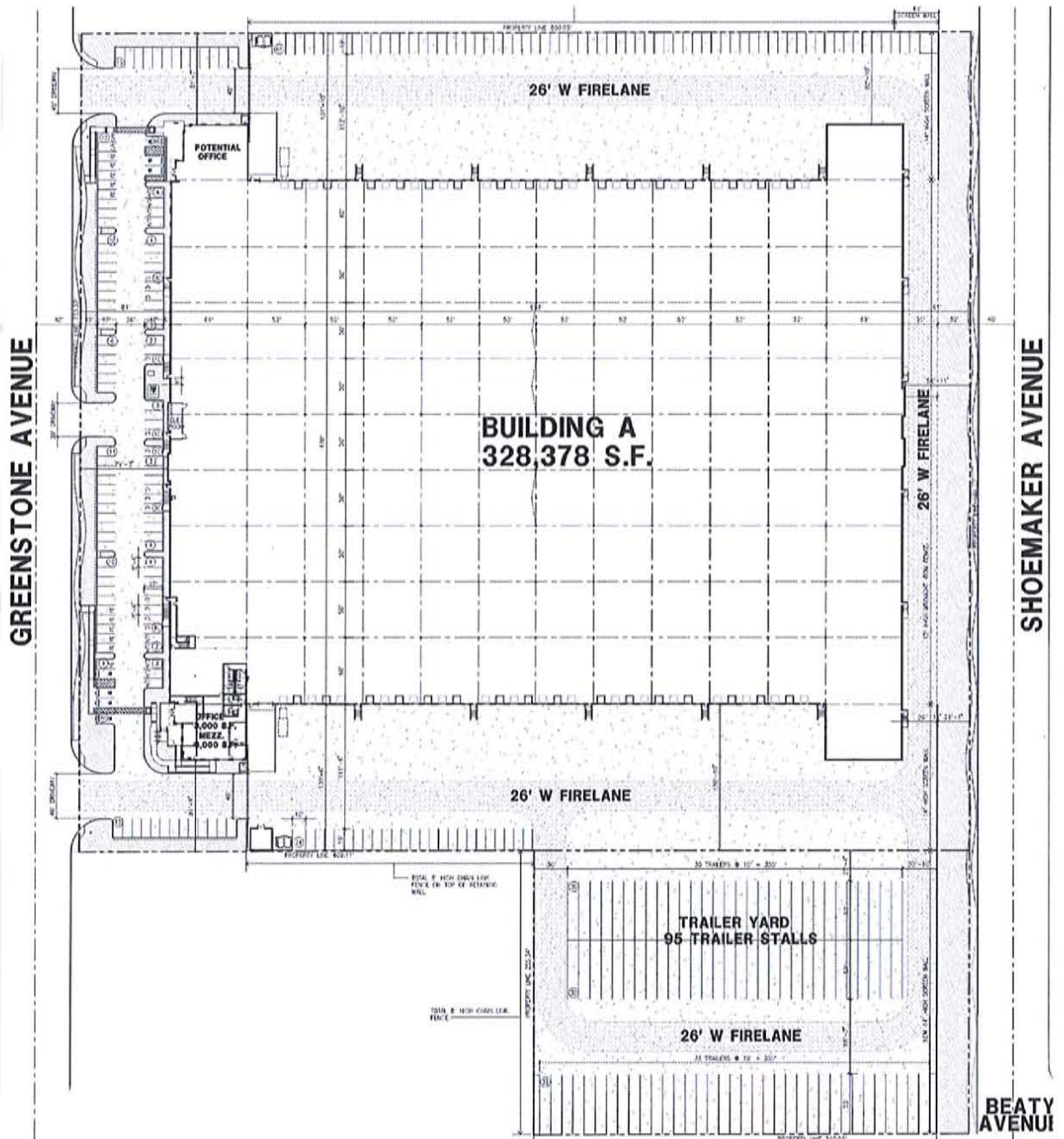
CITY OF SANTA FE SPRINGS



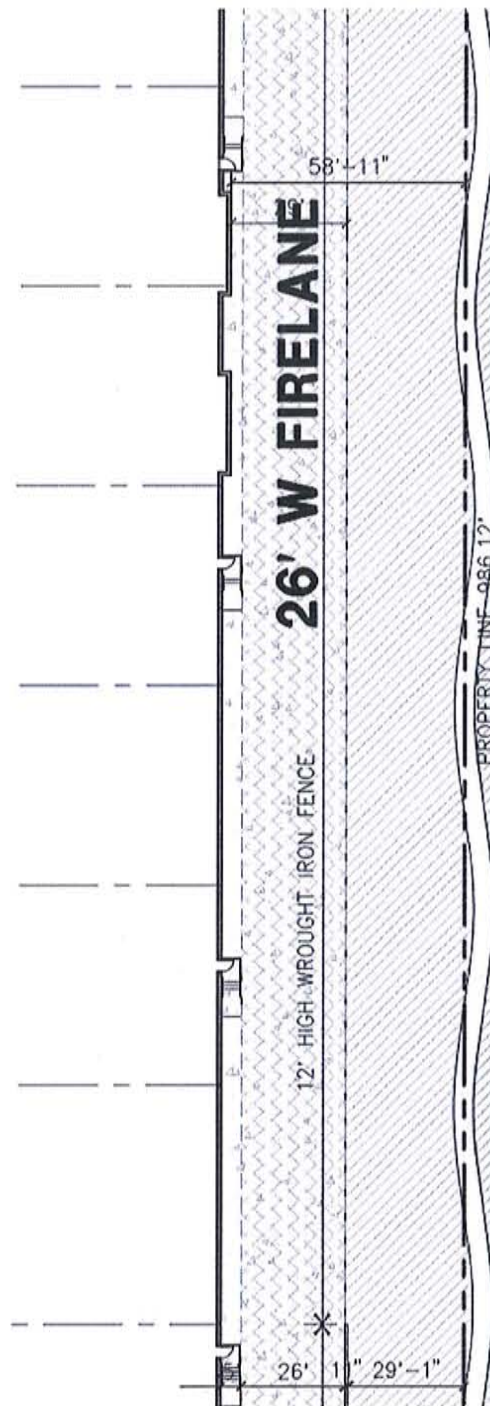
AERIAL PHOTOGRAPH – 11688 Greenstone Avenue

MODIFICATION PERMIT CASE No. 1237

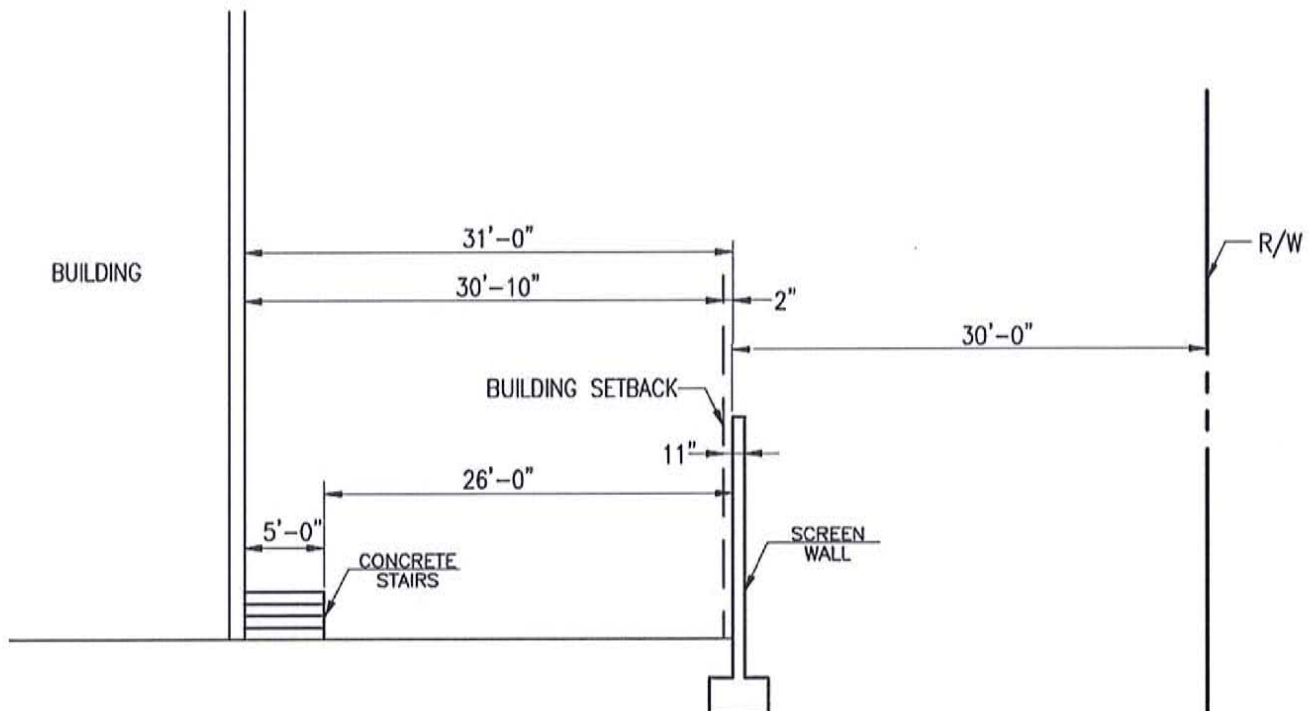
Site Plan



Site Plan (Cont.)



SHOEMAKER AVENUE

Section Drawing**WALL MODIFICATION EXHIBIT**

N.T.S.

MOD 1237 Application

City of Santa Fe Springs
Application for
MODIFICATION PERMIT (MOD)

The Undersigned hereby petitions for a Modification of one or more property development requirements of the Zoning Ordinance.

Location of property (ies) involved (Provide street address or if no address, give distance from nearest street intersection): 11688 Greenstone Avenue
(previously 11525 Shoemaker Avenue).

Legal description of property: See attached.

Record Owner of Property:

Name: Pancal 11525 Shoemaker, LLC Phone No: (303) 790-4737

Mailing Address: 7887 E. Belleview Ave., Suite 475, Denver, CO 80111

Attn: Bill Bullen

Fax No: n/a

E-mail: bbullen@panattoni.com

The application is being filed by:

☒ X Record Owner of the Property

☐ Authorized Agent of the Owner

(Written authorization must be attached to application)

Status of Authorized Agent (engineer, attorney, purchaser, lessee, etc.): _____

Architect of Record

Describe the modification requested: To allow for the wall thickness
of the screen walls to extend into the building setback
area along Shoemaker Avenue.

NOTE

This application must be accompanied by the filing fee, detailed plot plan, and other data specified in the form entitled "Information on Modification of Property Development Standards"

MOD 1237 Application (cont.)

LEGAL DESCRIPTION:

THE LAND SHOWN HEREON IS SITUATED IN THE COUNTY OF LOS ANGELES, CITY OF SANTA FE SPRINGS, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

PARCEL 1:

THE EAST 10 ACRES OF THE NORTH 20 ACRES OF THE SOUTH 41 ACRES OF THE EAST 55 ACRES OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF SECTION 8, TOWNSHIP 3 SOUTH, RANGE 11 WEST, IN THE CITY OF SANTA FE SPRINGS, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS SHOWN UPON A MAP OF THE SOUTHWESTERN PORTION OF THE RANCHO SANTA GERTRUDES, RECORDED IN BOOK 1 PAGE 502 OF MISCELLANEOUS RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPT ONE-HALF INTEREST IN ALL OIL, GAS AND OTHER HYDROCARBON SUBSTANCES IN AND UNDER SAID LAND, BUT WITH NO RIGHT OF ENTRY UPON THE SURFACE OF SAID LAND, AS RESERVED BY DELL YANDELL, IN DEED RECORDED JUNE 13, 1950, IN BOOK 33368 PAGE 361, OFFICIAL RECORDS.

PARCEL 2:

THE NORTHERLY 2-1/2 ACRES OF THE WESTERLY 5 ACRES OF THE EASTERLY 10 ACRES OF SOUTHERLY 21 ACRES OF THE EASTERLY 55 ACRES OF THE SOUTHERLY 1/4 OF THE NORTHWEST 1/4 OF SECTION 8, TOWNSHIP 3 SOUTH, RANGE 11 WEST, IN THE RANCHO SANTA GERTRUDES, IN THE CITY OF SANTA FE SPRINGS, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS SHOWN ON A MAP OF THE SOUTHWESTERN PORTION OF THE RANCHO SANTA GERTRUDES, RECORDED IN BOOK 1 PAGE 502 OF MISCELLANEOUS RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

PARCEL 3:

THE NORTH 2-1/2 ACRES OF THE EAST 5 ACRES OF THE EAST 10 ACRES OF THE SOUTH 21 ACRES OF THE EAST 55 ACRES OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF SECTION 8, TOWNSHIP 3 SOUTH, RANGE 11 WEST, IN THE CITY OF SANTA FE SPRINGS, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS SHOWN ON A MAP OF THE SOUTHWESTERN PORTION OF THE RANCHO SANTA GERTRUDES, RECORDED IN BOOK 1 PAGE 502 OF MISCELLANEOUS RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

PARCEL 4:

THE SOUTH 2-1/2 ACRES OF THE EAST 5 ACRES OF THE EAST 10 ACRES OF THE SOUTH 21 ACRES OF THE EAST 55 ACRES OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF SECTION 8, TOWNSHIP 3 SOUTH, RANGE 11 WEST, IN THE CITY OF SANTA FE SPRINGS, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS SHOWN ON A MAP OF THE SOUTHWESTERN PORTION OF THE RANCHO SANTA GERTRUDES, RECORDED IN BOOK 1 PAGE 502 OF MISCELLANEOUS RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPTING THEREFROM UNTO THE GRANTORS HEREIN, THEIR HEIRS, SUCCESSORS OR ASSIGNS, ALL MINERALS, GAS, OIL, PETROLEUM, NAPHA AND OTHER HYDROCARBON SUBSTANCES IN AND UNDER THE ABOVE-DESCRIBED PROPERTY, TOGETHER WITH ALL NECESSARY AND CONVENIENT RIGHTS TO EXPLORE FOR, DEVELOP, PRODUCE, EXTRACT AND TAKE THE SAME, INCLUDING THE EXCLUSIVE RIGHT TO DIRECTIONALLY DRILL INTO AND THROUGH SAID LAND FROM OTHER LANDS AND INTO THE SUBSURFACE OF OTHER LANDS, SUBJECT TO THE EXPRESS LIMITATION THAT ANY AND ALL OPERATIONS FOR THE EXPLORATION, DEVELOPMENT, PRODUCTION, EXTRACTION, AND TAKING OF ANY OF SAID SUBSTANCES SHALL BE CARRIED ON AT LEVELS BELOW THE DEPTH OF 500 FEET FROM THE SURFACE OF THE ABOVE-DESCRIBED PROPERTY BY MEANS OF MINES, WELLS, DERRICKS, AND/OR OTHER EQUIPMENT FROM SURFACE LOCATIONS ON ADJOINING OR NEIGHBORING LAND LYING OUTSIDE OF THE ABOVE-DESCRIBED PROPERTY, AND SUBJECT FURTHER TO THE EXPRESS LIMITATION THAT THE FOREGOING RESERVATION SHALL IN NO WAY BE INTERPRETED TO INCLUDE ANY RIGHT OF ENTRY IN AND UPON THE SURFACE OF THE ABOVE-DESCRIBED LAND, AS RESERVED IN THE DEED RECORDED JANUARY 14, 1960 AS INSTRUMENT NO. 724, OFFICIAL RECORDS.

MOD 1237 Application (cont.)

MOD Application
Page 2 of 3

JUSTIFICATION STATEMENT

BEFORE A MODIFICATION CAN BE GRANTED, THE PLANNING COMMISSION MUST BE SATISFIED THAT ALL OF THE FOLLOWING CONDITIONS APPLY. YOUR ANSWERS SHOULD JUSTIFY YOUR REQUEST FOR A MODIFICATION

JUSTIFICATIONS TO NO. 1 & 2 ARE REQUIRED FOR RESIDENTIALLY ZONED PROPERTIES:

1. Explain how the modification request, if granted, will allow you to utilize your house in a more beneficial manner.

N/A

2. Explain how the modification request, if granted, will not be detrimental to the property of others in the area.

N/A

JUSTIFICATIONS TO NOS. 3-6 ARE REQUIRED FOR PROPERTIES OTHER THAN RESIDENTIAL:

3. Explain why the subject property cannot be used in a reasonable manner under the existing regulations.
The current project was approved under Modifications of Property Development Standards Case No.1225 which did not take into consideration the 11" wall thickness of the approved 14 ft high screen walls along Shoemaker Avenue.
4. Explain the unusual or unique circumstances involved with the subject property which would cause hardship if compliance with the existing regulations is required.
The current distance from the project site's right of way to the building is 61 ft. The current building setback is 30 ft and the distance from this setback to the building's east wall is 31 ft. Within this 31 ft is the 26 ft wide required fire lane and 5 ft wide conc. exit stairs from the building.
5. Explain how the approval of the requested modification would not grant special privileges which are not enjoyed by other property owners in the area.
The project as previously approved consists of 14 ft high conc. screen walls running the full length of Shoemaker Ave & with the addition of 10 ft high wrought iron fencing immediately in front of the new building. The 11" encroachment into the setback area is for a length of 50 ft along each end of the building.
6. Describe how the requested modification would not be detrimental to other persons or properties in the area, nor to the public welfare in general.
These new screen walls comprise of a total length of 516 ft along Shoemaker Ave. which fully screens the truck yards of this new building. The detailing and color finishes of these screen walls remains as previously approved.

MOD 1237 Application (cont.)

MOD Application
Page 3 of 3

PROPERTY OWNERS STATEMENT

We, the undersigned, state that we are the owners of all of the property involved in this petition (Attach a supplemental sheet if necessary):

Name (please print): Bill Bullen
 Mailing Address: 7887 E. Belleview Ave., Suite 475, Denver, CO 80111
 Phone No: (303) 790-4737
 Fax No: n/a E-mail: bbullen@panattoni.com
 Signature: _____

Name (please print): _____
 Mailing Address: _____
 Phone No: _____
 Fax No: _____ E-mail: _____
 Signature: _____

CERTIFICATION

Colorado
 STATE OF ~~CALIFORNIA~~
 COUNTY OF ~~LOS ANGELES~~
Denver

)
)ss.

I, Bill Bullen, being duly sworn, depose and say that I am the petitioner in this application for a Modification Permit, and I hereby certify under penalty of law that the foregoing statements and all statements, maps, plans, drawings and other data made a part of this application are in all respects true and correct to the best of my knowledge and belief.

Signed: _____
 (If signed by other than the Record Owner, written authorization must be attached to this application)

(seal)

On 2/7/13 before me, Robin M. Sanderson, personally appeared Bill Bullen, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument, the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal
 ROBIN M. SANDERSON
 NOTARY PUBLIC
 STATE OF COLORADO
 My Commission Expires 07/03/2013

FOR DEPARTMENT USE ONLY	
CASE NO:	<u>1140-00</u>
DATE FILED:	<u>2/12/13</u>
FILING FEE:	<u>16,180</u>
RECEIPT NO:	
APPLICATION COMPLETE?	

02-12-13 1CL8503 CHECK 1140-00