

Agenda Report

TO: CITY COUNCIL **DATE: JUNE 1, 1998**
FROM: CITY MANAGER
SUBJECT: CALL FOR REVIEW OF CONDITIONAL USE PERMIT NO. 3388 AT 1975 LINCOLN AVENUE

RECOMMENDATION: It is recommended that the City Council:

- 1). Acknowledge the Environmental Determination,
- 2). Approve the Conditional Use Permit with the findings and conditions attached (Attachments A and B).

EXECUTIVE SUMMARY :

An application for a conditional use permit was received for a restricted industry use greater than 5,000 square feet at 1975 North Lincoln Avenue by the applicant SteelCraft, Incorporated. The proposed use is a shipping and receiving business for a playground equipment manufacturer which includes trucks (12 to 27 feet in length) that will come to the site for receiving and shipping. This use is an expansion of two existing SteelCraft businesses nearby the proposed site which have a history of on-going problems in the neighborhood with trucks parking on a residential street (Wyoming Street). At the Zoning Hearing Officer hearing on February 18, 1998 the Hearing Officer approved the conditional use permit with conditions. On April 15, 1998 the approval was appealed to the Board of Zoning Appeals by the neighbors stating that their concerns regarding truck traffic, noise, and noxious odors at the existing business sites would occur at the new site if the business is permitted to expand. The Board of Zoning Appeals after hearing testimony overturned the Hearing Officer's decision and denied the conditional use permit. Their decision was based on the fact that there would be an increase in the number of trucks or truck trips to the area which would adversely affect the neighborhood.

BACKGROUND:

On February 18, 1998, the Zoning Hearing Officer reviewed a conditional use permit application for establishing a restricted industry use greater than 5,000 square feet to be used as a shipping and receiving business at 1975 North Lincoln Avenue. This application represented an expansion of a use existing on Lincoln Avenue at two other sites nearby the proposed site. The Zoning Hearing Officer, after hearing testimony in favor of the application from the applicant and three other business owners and testimony in opposition from five neighbors, approved the conditional use permit with conditions of approval.

The neighbors that spoke in opposition at this hearing were concerned that the problems of trucks parking on Wyoming Street and loading and unloading at the existing business location would not be

eliminated by approving the expansion of the business at the new site as stated in the conditional use permit application. The application indicated that 90 percent of the trucks large and small now loading on Wyoming Street would be accommodated on the proposed site which would alleviate the congestion of trucks on the residential street. However, after further review by the applicant it was determined that due to the location of existing buildings that only the smaller trucks (up to 27 feet) could be accommodated on the proposed site and the larger trucks (45 feet in length) would still have to load and unload on Wyoming Street.

During the hearing, the applicant presented a two phase proposal to resolve the problems described above with the large trucks. The *first phase* is to receive approval of this conditional use permit application to provide shipping and receiving services at 1975 Lincoln Avenue. By approving this conditional use permit, a reduction (70 to 75 percent) in the number of smaller trucks loading and unloading on the street would occur immediately. The *second phase* of the project involves acquiring the middle site in between the existing business at the northwest corner of Wyoming and Lincoln and the proposed site at the southwest corner of Toolen Place and Lincoln Avenue. The applicant has obtained a lease that will not be effective until January 1, 1999 for this site. Once a conditional use permit is approved for this second phase site, the applicant proposes to remove the existing buildings and design a routing plan that incorporates the two sites and provide ingress and egress from Lincoln Avenue. Staff could not consider the phased proposal because the middle site was not under lease at the time and was not included in the original application.

On **April 15, 1998**, the Board of Zoning Appeals heard an appeal filed by the neighbors regarding the approval of the conditional use permit. They stated the following concerns in their appeal:

- **The environmental effects that the noxious odors in the air from the current business locations have on the neighborhood.** As a part of the manufacturing operation at the existing location on the east side of Lincoln Avenue, fiberglass tables are manufactured by spraying a synthetic product called Rosin and the tables are then sanded which creates fiberglass dust.
- **Lack of information quantifying the expansion.** The appellant stated that there was no information contained in the application or staff report regarding the size or square footage of the proposed expansion.
- **No consideration regarding the burden of the expansion on the residents.** The appellant stated that the Hearing Officer did not fully consider the impact of the proposed shipping and receiving business on the neighborhood in regards to traffic, noise, and odors when deciding to conditionally approve the Conditional Use Permit.
- **Introduction of new information at the meeting in contrary to what was presented in the original application.** The applicant stated in the Conditional Use Permit application that by acquiring the proposed site, at least 90% of the truck loading and unloading would occur on the proposed site and eliminate the majority of loading and unloading that is occurring on the street. After further review by the applicant it was determined that the site is not large enough to accommodate the required turning radius for the large trucks (45 feet in length). However, staff was not informed of this prior to the hearing. The appellant stated in the appeal letter that the Zoning Hearing Officer should have continued the hearing or denied the application based on this substantial change.
- **Failure to consult with community groups.** The appellant stated in the appeal application that the applicant failed to discuss the project with the Northwest Commission, the East Arroyo Neighborhood Association, the WD Edson Neighborhood Association, the Neighborhood Strengthening Project and various other community groups concerned with the Lincoln Avenue Corridor.

- **There is no evidence that the legal requirements of noticing were met.** The appellant has stated that in reviewing the conditional use permit file it was not evident that the legal requirements for notification within a 300 foot radius were met since a document submitted by the applicant stated 250 feet but the required radius scaled out to 300 feet. Staff verified in review of the noticing documents that a 300 foot radius was properly noticed for all public hearings.

At the appeal hearing the Board of Zoning Appeals heard testimony from the appellant, the applicant and the residents. The applicant again presented the two phase proposal for the proposed expansion attempting to illustrate the overall picture of addressing the residents concerns. At the close of the public hearing the Board of Zoning Appeals overturned the Hearing Officer's decision and *denied* the application stating that they could not confirm the four required findings for approval of the conditional use permit in the affirmative. Specifically, they felt that there was a negative impact on the residents since the issue of truck loading and unloading on Wyoming Street in front of the existing business site was not resolved with the approval of the conditional use permit for the proposed site.

At the **April 15, 1998** City Council meeting, the Council decided to call up the decision of the Board of Zoning Appeals for review of this item.

ANALYSIS:

The business, L.A. SteelCraft has existed on Lincoln Avenue with its current manufacturing operation since 1948, prior to the current zoning district and permitted and conditionally permitted land use classifications which became effective in 1984 and 1985. SteelCraft furnishes playground and field equipment for schools within the San Gabriel Valley area and as far away as San Francisco. Their existing businesses are located on the east side of Lincoln Avenue between Wyoming and Toolen Place and on the west side of Lincoln Avenue at Wyoming. The site at 1951 Lincoln Avenue (northwest corner at Wyoming) is where the steel is fabricated for the play equipment. The site on the east side at 1974 Lincoln Avenue is where the fiberglass is produced for tables, play and sports equipment. The business receives finished products from various manufactures which are then assembled and transferred to one of their other sites for storage and shipping.

The requirement for a conditional use permit for this use classification in the CG-1 zone district is to review the impacts of a light manufacturing use within the context of its surroundings and to impose conditions that will assist the use in being compatible with its surroundings. Staff recommended approval of the conditional use permit to the Zoning Hearing Officer because the proposed use of shipping and receiving with the conditions of approval is compatible with the adjacent commercial, industrial and residential uses. With the conditions of approval and a monitoring program to verify compliance, staff concluded that there would not be any negative impacts on the surrounding uses. Staff's recommendation of approval with conditions addresses the appellant's appeal issues by imposing conditions of approval that 1) restrict truck traffic from entering the residential district, and 2) limit the use to shipping and receiving with minor assembly thus addressing the residents concern with the possibility of manufacturing services that may discharge odors, 3) require all trucks owned by or conducting business with SteelCraft to be parked on-site, and 4) limiting the hours of operation to Monday through Friday from 7:00 a.m. to 6:00 p.m.

In review of the appellant's additional concerns staff has the following responses:

Noxious odors

Information was requested from the applicant regarding noxious odors. The appellant responded that at their location of the east side of the street a synthetic component called Resin is used in the making of fiberglass however, the applicant received clearance from an Industrial Hygienist in July of 1996 which stated that the air samples collected contain levels that were well below the Cal-OSHA permissible Exposure Levels (PEL) and below the Cal-OSHA Action Levels (one half of the PEL's).

They also received clearance for the employees who apply this substance within three feet of the item being manufactured. It should be noted that this process takes place in an enclosed booth which is not directly adjacent to any residential structure. Based on the fact that the Pasadena Fire Department does not have record of any violations and has stated that the business does not use any hazardous chemicals or materials it appears that there is no issue of health hazards or safety to the residents.

Information quantifying expansion

The applicant did provide information in the application regarding the square footage of the existing buildings and what is the total land area .

Consideration regarding the burden of the expansion on the residents

The Zoning Hearing Officer imposed conditions that he felt would mitigate the impacts expressed at the hearing by the residents. The conditions included a limit on the use of the property to shipping and receiving and employee parking.

Introduction of new information at the hearing

Staff's recommendation of approval was enhanced by the possibility of relieving an on-going problem in the neighborhood by eliminating some of the truck traffic on the street. However, the review of the conditional use permit was limited to the impacts of the proposed use on the site at Toolen Place. Staff had been advised that the City could not consider other sites that were not a part of the application.

Failure to consult with community groups

The review of a conditional use permit is only subject to a public hearing by a Hearing Officer unless appealed. Because the subject property is not in a redevelopment area the applicant was not obligated by the city to review the project with the Lincoln Avenue PAC or the Lincoln Avenue Steering Committee. Independent of the city process the applicant did present the project to the Lincoln Avenue Steering Committee and the Lincoln Avenue Project Area Committee (PAC).

Legal Noticing Requirements

Staff verified that the conditional use permit file did contain a radius map that was drawn to scale at 300 feet regardless of the fact that the applicant submitted a document that stated 250 feet. Notices were posted by the Mash crew 300 feet from the boundaries of the site.

Notwithstanding approving, this conditional use permit will not alleviate all ongoing concerns from the existing business locations, the purpose of this review is to look at the impacts of the proposed site exclusively. The fact that the applicant is proposing a two-phase project that will eventually eliminate all truck parking on Wyoming street is relative to the resident's concerns but is not a part of this application. In analysis of the proposed use staff has considered the impact of the trucks entering and exiting the site on the residential district to the west. The largest size of a truck entering the proposed site will be up to a 20 foot bed in addition to customer cars. The vehicles will enter off of Lincoln Avenue and exit onto Toolen Place making only a right turn back onto Lincoln Avenue. A condition of approval has been recommended to allow only right turns when exiting the site to prevent trucks from entering the residential district to the west. Signs would be posted on site as the trucks exit the site. Additional conditions have been included to limit the hours of operation to regular working hours Monday through Friday to minimize any impact on the residents to the west. The hours of operation are Monday through Friday from 7:00 a.m. to 6 p.m. Trucks will not be permitted to enter the site before 7:00 a.m. and after 6:00 p.m.

A condition has been recommended that restricts that activities of the business to shipping, receiving and minor assembly to address concerns regarding a change in use or expansion of the services from across the street on the east side. Nevertheless, this condition of approval will not permit the applicant to conduct any other activities on the proposed site that do not relate to shipping, receiving and minor assembly. Current Planning staff has recommended a standard condition that requires the project to be

monitored by the City for compliance with the conditions of approval on an on-going basis. By monitoring the conditions of approval, if the use does not comply with a condition or violates any other city codes the business owner will be cited with a letter of violation and will be required to correct the violation. If the violation is not corrected the conditional use permit may be revoked.

CONCLUSION:

In conclusion, staff recognizes that the approval of this conditional use permit will not alleviate all of the issues with truck loading and unloading on Wyoming Street. However, the approval of the conditional use permit for the proposed project will:

- provide conditions of approval for the use to be compatible with surrounding uses;
- reduce the number of small trucks on Wyoming Street by 70 to 75 percent;
- provide employment for five persons;
- meet the goals and objectives of the General Plan for expansion and retention of businesses in the city and
- addresses as a first step the issue of the trucks parking on Wyoming Street.

ENVIRONMENTAL DETERMINATION:

The proposed project has been determined to be Categorical Exempt (Class 1 and 11) from environmental review pursuant to the guidelines of the California Environmental Quality Act, CEQA Guidelines, Section 15301, Existing Facilities New Construction and Section 15311, Accessory Structures.

CONSISTENCY WITH THE GENERAL PLAN:

The proposed recommendations included in this staff report are consistent with the following General Plan Objectives and Policies of the Land Use Element of the General Plan.

OBJECTIVE 10 - DIVERSE ECONOMY

Policy 10.1 TARGETED DEVELOPMENT AREAS - Target new development into the urban core, the Northwest Enterprise Zone, along East Colorado, and into other specific growth areas.

Policy 10.3- BUSINESS EXPANSION AND GROWTH - Support the continuation or expansion of existing businesses in harmony with their surroundings and provide new spaces for growth and changing business requirements.

Policy 10.9 HEALTHY BUSINESS COMMUNITY - Promote a strong, healthy business community to provide jobs for Pasadena residents and a broad revenue base for the City.

OBJECTIVE 11- JOB OPPORTUNITIES

Policy 11.7 INCREASE JOBS - Increase the number of job opportunities for the underemployed and unemployed Pasadena residents.

FISCAL IMPACT:

If the proposed Conditional Use Permit is approved the applicant has stated that the use will create five additional jobs for Pasadena residents.

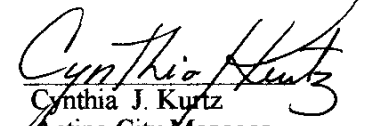
HOUSING IMPACT:

The proposed approval of Conditional Use Permit #3088 will not have an impact on housing.

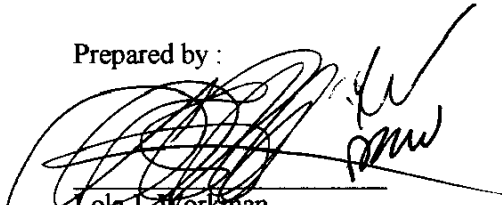
WORKLOAD IMPACT

There will be on-going condition monitoring inspections from the code compliance staff to review compliance with the conditions of approval if the application is approved. A \$5,000 deposit will be required from the applicant for cost recovery of all inspections conducted. One inspector will be required to monitor the conditions of approval four times a year for the life of the business. The impact on the workload is negligible since the inspection can be set- up on a regular quarterly schedule and be included with inspections scheduled for a pre-assigned day.

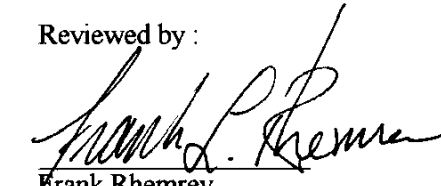
Respectfully Submitted,


Cynthia J. Kurtz
Acting City Manager

Prepared by :


Lola J. Workman
Planner

Reviewed by :


Frank Rhemrev
Senior Deputy City Attorney

Approved by :


Bob Fowler
Acting Director of Planning and Permitting