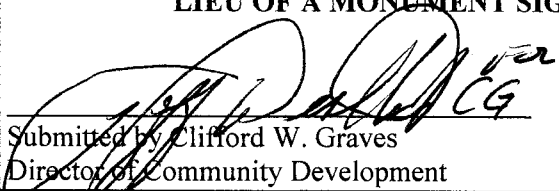





City of Carson Report to Mayor and City Council

March 19, 2013
Special Orders of the Day

SUBJECT: PUBLIC HEARING TO CONSIDER RESOLUTION NO. 13-023 AFFIRMING OR DENYING PLANNING COMMISSION'S DECISION ON FEBRUARY 12, 2013 APPROVING MODIFICATION NO. 1 TO CONDITIONAL USE PERMIT NO. 825-10 TO ALLOW THE INSTALLATION OF A SEVENTEEN-FOOT-HIGH POLE SIGN IN LIEU OF A MONUMENT SIGN


Submitted by Clifford W. Graves
Director of Community Development


Approved by David C. Biggs
City Manager

I. SUMMARY

On February 12, 2013, the Planning Commission approved Modification No. 1 to Conditional Use Permit No. 825-10 which eliminated a monument sign previously approved by the Planning Commission and City Council in 2010 and approved a seventeen-foot-high pole sign for an auto repair use (Rick's Lube and Tune & Brakes) located at 1209 E. Carson Street (Exhibit No. 1). An appeal was filed on February 25, 2013 by Councilmember Gipson pursuant to Carson Municipal Code (CMC) Section 9173.4 to provide the City Council an opportunity to consider the policy of utilizing monument signs for most commercial development (Exhibit No. 2).

II. RECOMMENDATION

TAKE the following actions:

1. OPEN the Public Hearing, TAKE public testimony, CLOSE the Public Hearing.
2. TAKE one of the following options:

WAIVE further reading and ADOPT Resolution No. 13-023

- A. "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, AFFIRMING THE DECISION OF THE PLANNING COMMISSION APPROVAL OF MODIFICATION NO. 1 TO CONDITIONAL USE PERMIT NO. 825-10 TO ALLOW INSTALLATION OF A 17-FOOT-HIGH POLE SIGN IN LIEU OF A MONUMENT SIGN."; OR
- B. "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, DENYING THE DECISION OF THE PLANNING COMMISSION APPROVAL OF MODIFICATION NO. 1 TO CONDITIONAL USE PERMIT NO. 825-10 TO ALLOW INSTALLATION OF A 17-FOOT-HIGH POLE SIGN IN LIEU OF A MONUMENT SIGN."

III. ALTERNATIVES

TAKE another action the City Council deems appropriate.

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IV. BACKGROUND

The subject property was originally developed as a retail petroleum outlet in 1965 and was abandoned in 1978. At that time, the property was converted to an RV Service Center pursuant to Conditional Use Permit (CUP) No. 170-78. Upon purchasing the property in 1983, the current property owner stored and repaired used vehicles on site until leasing the property to Mother Truckers (formerly American Camper Shell) in September 2007. Mother Truckers vacated the property in 2010 and the property remained vacant until recently occupied in 2012 by Rick's Lube and Tune & Brakes.

On August 20, 2010, the Planning Commission approved CUP No. 825-10, subject to conditions of approval, to allow Rick's Lube and Tune & Brakes to operate its vehicle service and repair business within 100 feet of adjacent residential condominiums and denied Variance No. 517-10 to reduce the required front yard landscape setback from 10 feet to 5 feet.

On August 24, 2010, Mayor Dear, on behalf of the property owner (Vincent Zankich), filed an appeal pursuant to CMC Section 9173.4 to consider the variance request to reduce the required front yard. Public hearings were held before the City Council on October 9, 2010 and November 3, 2010. The City Council reviewed the same rendering and development plans considered by the Planning Commission. Both the rendering and the site plan indicated that a monument sign would be provided (Exhibit Nos. 3 and 4). On November 3, 2010, the City Council affirmed the Planning Commission's decision set forth in Resolution No. 10-2333 which granted CUP No. 825-10, subject to conditions of approval, and denied Variance No. 517-10 (Exhibit No. 5).

On November 14, 2011, Planning staff approved the development plans for the building and three business signs – two new wall signs and a new monument sign pursuant to CUP No. 825-10. By July 16, 2012, all of the appropriate building permits were issued and final inspections were conducted by Building and Safety for the building and site improvements. The monument sign was not installed. Subsequently, the business operator decided to propose a 17-foot pole sign in lieu of the previously approved monument sign.

Since the Planning Commission and City Council approved plans indicating a monument sign and the policy is to require monument signs for most new or redeveloped commercial properties, the applicant's request for a pole sign was referred to the Planning Commission as a minor modification to CUP No. 825-10 with no public hearing required. The applicant was advised that staff would recommend denial of the proposed pole sign because of the strong precedence over the past 25 years to require monument signs for most commercial properties. This policy is consistent with many other communities that have prioritized monument signs as a means of promoting compatibility within commercial districts.

On February 12, 2013, Modification No. 1 to Conditional Use Permit No. 825-10 was presented to the Planning Commission. The applicant requested a pole sign to replace the approved monument sign at the southwestern corner of the property. During the meeting, the applicant stated if the request for the pole sign is denied, he will abide by the conditions of approval and erect a monument sign. However, the Planning Commission decided 4-3 to approve the 17-foot-high pole sign based on limited building visibility due to the building's setback from the street and the property's location outside of the Mixed Use-Carson Street (MU-CS) zone which prohibits pole signs. The subject property is zoned CG (Commercial, General) which allows pole signs up to 30 feet. The applicant argued that a low monument signage would attract graffiti (Exhibit No. 6).

On February 25, 2013, Councilmember Gipson submitted an appeal of the Planning Commission's decision to allow installation of a pole sign. The appeal will provide the opportunity for the City Council to determine policy on utilizing monument signs for most commercial properties.

The Carson Municipal Code (CMC) provides various regulations and opportunities for promoting attractive and effective business signs. CMC Sections 9136.7 and 9146.7 specify the requirements for signs located in commercial and industrial zones. Business signs are permitted in conformance with development plans that have been approved pursuant to Site Plan and Design Review procedures provided in CMC Section 9172.23. Pursuant to Ordinance No. 89-873, the provisions of the CMC Section 9172.23 were amended to require all business signs to be subject to review to determine "attractiveness, effectiveness and restraint in signing, graphics and color" and "compatibility with existing and anticipated development in the surrounding area." The ordinance specifically allows for discretion related to the number, size and type of sign structures.

Signs are reviewed for consistency with the surrounding area and overall quality related to design. Many signs are forwarded to the Planning Commission as part of a larger development plan involving new or remodeled buildings. Staff also reviews and approves request for signs pursuant to Planning Commission direction or when no discretionary approval by the Planning Commission is required. Any decision of the staff or Planning Commission can be appealed if an applicant or interested party does not agree with the decision by the Planning Commission.

A sign permit or sign program is required for all new signs. Each application is reviewed to determine compliance with the requirements of the Site Plan and Design Review pursuant to CMC Section 9172.23. Discretion is used to promote the highest quality of signs. There is a preference for specific designs and types of signs. As an example, channel letter (i.e. individual letter) signs are typically required for multiple tenant shopping centers and retail businesses. In addition, pole or pylon signs are generally restricted to larger commercial development or businesses needing freeway visibility. Monument signs are often required due to

their more attractive and contemporary design. The CMC has also been amended to specifically prohibit new pole signs and to remove existing pole signs for properties less than 2 acres in size within the MU-CS (Mixed Use – Carson Street) zone.

A review of sign permits during the past 25 years indicates that the City has routinely required monument signs for most commercial properties with new or rehabilitated buildings. The following are some examples of surrounding businesses near Rick's Lube and Tune:

Business Name	Address	Zone	Comments
Expressions Kitchen and Bath Showroom	1000 E. Carson St.	ML-D	Required multi-tenant monument sign in 2010.
76 Station	1025 E. Carson St	CR-D	Pole sign approved due to restricted visibility and insufficient area to support monument sign
Jack in the Box	949 E. Carson St.	CR-D	Monument sign
Bonita Center	860 E. Carson St.	CR-D	Multi-tenant monument sign
Torrance Memorial Medical Center	824 E. Carson St.	CR-D	Monument sign
Chevron Gas Station	655 E Carson St.	CR-D	Replaced pole sign with monument sign
Central Baptist Church	1641 E. Carson St.	CG-D	Monument sign
Carson First Samoan Assembly of God	1647 E. Carson St.	CG-D	Monument sign
Goodwill	21827 S. Avalon Blvd.	CG	Monument sign
McDonald's Restaurants	21850 S. Avalon Blvd.	CG	Applicant appealed to maintain pole sign. City Council required monument sign in 2002
Carson Bail Bonds	21316 S. Avalon Blvd.	CR-D	Monument sign

March 19, 2013

There are nearby older properties that have existing pole signs because the development predates the preference for monument signs: Montessori School at 812 East Carson Street; EconoLodge developed in 1987 at 1325 E. Carson Street; Village Liquor at 1823 E. Carson Street; and Carl's Jr. at 21307 S. Avalon Boulevard. The Planning Commission has focused on some of these older pole signs and required replacement with a monument sign: Firestone at 20707 S. Avalon Boulevard and America's Tire at 20741 S. Avalon Boulevard. Other properties have authorization for pole sign or pylon signs because the properties are freeway oriented: 76 Gas Station (1025 E. Carson Street) and Kenworth truck dealership (1202 E. Carson Street).

Staff recognizes that graffiti can be a concern for ground signage, but it has been noted that nearby properties with monument signs were adequately maintained and show no graffiti.

New development and redeveloped commercial properties have typically included monument signs, particularly along major corridors like Carson Street. A requirement to provide a monument sign would be consistent with City policy and practice. As such, staff recommends that the City Council consider the Planning Commission's decision to approve Modification No. 1 to Conditional Use Permit No. 825-10 that allows a new pole sign to be installed. There is a strong history of requiring monument signs for commercial properties. The City Council is requested to consider this appeal in relation to past practice and to provide direction to staff on the utilization of monument signs for commercial properties.

Conclusion

Staff has reviewed prior City Council actions to determine past practice related to monument signs. The most relevant factors include the following:

1. Ordinance No. 89-873 amended the provisions of CMC Section 9172.23 to require all business signs to be subject to design review to determine "attractiveness, effectiveness and restraint in signing, graphics and color" and "compatibility with existing and anticipated development in the surrounding area." The ordinance specifically allows for discretion related to the number, size and type of sign structures.
2. On September 17, 2002, the City Council denied an appeal filed by Councilmember Calas seeking to allow the proposed remodel of a McDonald's restaurant to retain an existing pole sign (Exhibit Nos. 7, 8, and 9). The City Council reviewed past developments and determined that the City had routinely required monument signs.
3. Since 2002, the City has been more focused on urban design issues and has required monument signs for new construction, substantial remodel of existing buildings and properties subject to other discretionary permits.
4. The applicant originally indicated a typical low-level monument sign on the

approved plans. Subsequently, the applicant requested approval of a 17-foot-high pole sign. CMC Section 9136.7 allows a monument sign to be up to ten feet in height. As a means of accommodating the applicant and still keeping to the standard of a monument sign, the City Council has the option to require a monument sign that can be redesigned to take advantage of additional height up to the maximum of 10 feet. The applicant indicated a preference for the 17-foot monument sign but testified at the Planning Commission meeting that either a monument or pole sign can be provided.

V. FISCAL IMPACT

None.

VI. EXHIBITS

1. Planning Commission Staff Report dated February 12, 2013. (pgs. 8-12)
2. Appeal letter dated February 25, 2013. (pg. 13)
3. Planning Commission Resolution No. 10-2333. (pgs. 14-16)
4. Development plan rendering and site plan. (pgs. 17-20)
5. City Council Resolution No. 10-110. (pgs. 21-24)
6. Planning Commission Minutes dated February 12, 2013. (pgs. 25-30)
7. City Council Staff Report dated September 17, 2002. (pgs. 31-39)
8. City Council Minutes dated September 17, 2002. (pgs. 40-41)
9. City Council Resolution No. 02-134. (pgs. 42-51)
10. Draft City Council Resolution Affirming the Planning Commission Decision. (pgs. 52-56)
11. Draft City Council Resolution Denying the Planning Commission Decision. (pgs. 57-61)

Prepared by:

McKina Alexander, Planning Technician
Sheri Repp Loadsman, Planning Officer

TO: Rev09-04-2012

Reviewed by:

City Clerk	City Treasurer
Administrative Services	Public Works
Community Development	Community Services

Action taken by City Council

Date _____	Action _____

MOTION:

Chairman Faletogo moved, seconded by Commissioner Schaefer, to approve the January 22, 2013, Minutes as presented. Motion carried, 7-0 (absent Commissioner Brimmer).

10. CONTINUED PUBLIC HEARING None**11. NEW BUSINESS DISCUSSION****A) Conditional Use Permit No. 825-10****Applicant's Request:**

The applicant, Rick's Lube and Tune & Brakes, is requesting a modification of Conditional Use Permit No. 825-10 to change the Commission's decision of an approved monument sign to allow installation of a 17-foot pole sign at an existing auto repair use on a site located in the CG (Commercial, General) zoning district and within 100 feet of a residential use. The subject property is located at 1209 East Carson Street.

Staff's Recommendation:

Planning Technician Alexander presented staff report and the recommendation to DENY Modification No. 1 to Conditional Use Permit No. 825-10; and ADOPT a minute resolution and instruct staff to make necessary changes to Resolution No. 10-2333.

Chairman Faletogo noted his recollection that these signage matters are to be considered on a case-by-case basis, considering special circumstances.

Planning Technician Alexander indicated that yes, they can be considered on a case-by-case basis; explained that generally, approval for pole signs would be a consideration if the business needed freeway oriented signage or it was a large commercial development, noting there are certain triggers that would support approval.

Chairman Faletogo noted that staff's power point presentation this evening of existing signage was of those businesses located on main streets.

Commissioner Schaefer asked whether the comment about large commercial developments versus small business properties and their use of pylon signs versus pole signs is in the municipal code.

Planning Technician Alexander explained it is a policy decision that the City has implemented over the past 25 years, but not something written in the municipal code. She added that the pylon signs have been allowed for some businesses adjacent to the freeways.

Senior Planner Signo explained that the MU-CS zone was put in place in 2007; and that those businesses along the Carson Street Corridor were sent letters at that time giving them five years to remove all pole signs from their properties if their lots were smaller than two acres. He mentioned that the MU-CS zone extends from the 405 Freeway along Carson Street to the 110 Freeway.

Commissioner Gordon asked what the size is of this applicant's lot.

Planning Technician Alexander indicated it is approximately 15,000 square feet.

Rick Nickel, applicant, explained that he needs a sign to not only attract his former clients to this new site, but also new clients; and advised that some of his former customers have indicated they have driven past his business trying to find his new location and that it needs a sign. He explained that because the building is set back a distance from the street, former customers and potential customers drive past without seeing his business location.

Commissioner Goolsby complimented the applicant on the improvements he has made to this site and noted his support of signage to attract more business.

Commissioner Diaz pointed out that when this project was first approved, Mr. Nickel agreed to the placement of a monument sign.

Mr. Nickel addressed his concerns with low signage and the ease of attracting graffiti. He distributed photographs of low signage throughout Carson and the graffiti on these signs. He stated that it becomes expensive to remove graffiti and stated that if his sign is up 17 feet high, that will keep the sign from getting graffiti; and he pointed out that the paint used to cover graffiti rarely matches the original signage. He pointed out that the nearby following businesses have pole signs: Econo Lodge, 76 gas station, and Kenworth, which is located directly across the street from his business.

Commissioner Diaz stated that while Mr. Nickel has a valid concern with graffiti, he is not supportive of deviating from the City's 25-year policy of replacing pole signs with monument signs.

Mr. Nickel pointed out that current code allows his business to display up to a 35-foot high sign.

Chairman Faletogo asked Mr. Nickel if his proposed sign will look like the Econo Lodge pole sign.

Mr. Nickel indicated yes.

Senior Planner Signo explained for the Commission that the pole signs were allowed for Pep Boys and Just Tires because Dominguez Street along the south portion of the mall near IKEA is off the main path of traffic flow.

Chairman Faletogo expressed his belief the policy for monument signs creates inconsistencies and is not fair to small business.

Senior Planner Signo added that the pole signs for Pep Boys and Just Tires were pre-existing pole signs.

Mr. Nickel reiterated that his former and potential new clients have told him they did not easily see his place of business because it is set back and that they had to turn around and drive back a couple more times before they spotted his site.

Commissioner Gordon expressed his belief that if Mr. Nickel had erected the monument sign as he had previously agreed to, his customers would have an easier time identifying his site. He pointed out that it is not fair to the businesses along Carson Street that have received letters to take down their existing pole signs, yet allow Mr. Nickel to erect a new pole sign.

Mr. Nickel pointed out he is not located in the MU-CS zone wherein businesses are required to take down their existing pole signs. He added that Sizzler is also a business establishment that continues to have a pole sign.

Commissioner Gordon noted the need to be consistent with the City's policy to require monument signs.

Mr. Nickel stated that the property directly across the street from him, Kenworth, is displaying a new pole sign and reiterated that businesses directly east and west of him are displaying pole signs.

Commissioner Gordon reiterated that Mr. Nickel agreed to erect a monument sign when his project was approved.

Mr. Nickel stated that while his site plan showed a monument sign, he reiterated that he is allowed by code to put up a 30-foot pole sign; that it was only the artist's rendering of a monument sign on the site plan; and stated that he has gone without signage for nine months.

Commissioner Gordon pointed out that the applicant has already received approval for signage, a monument sign, and that it has been his choice not to display signage.

Commissioner Goolsby expressed his belief that the City and this Commission is making it hard for the small businesses to survive, pointing out that the large businesses seem to easily get the signage they request.

Commissioner Saenz expressed his belief there is selective enforcement of the City's codes.

Senior Planner Signo stated that pole signs are permitted, but explained that it has been a policy decision for the past 25 years to encourage pole signs to be removed and to erect monument signs when they come before the City for discretionary permits.

Assistant City Attorney Soltani explained that the Planning Division has the discretion to approve pole signs over monument signs, but stated that the City has been trying to be consistent in applying this monument sign policy for the past 25 years.

Commissioner Saenz stated the City should make the policy a code requirement, thereby preventing this type of problem.

Commissioner Schaefer stated that she also did not see the applicant's building until she drove past; and asked if the 17-foot pole sign could be seen from the freeway.

Mr. Nickel indicated no.

Commissioner Schaefer expressed her belief a monument sign makes for better visibility from a vehicle driving on the street.

Commissioner Diaz noted his appreciation of the improvements made to this site; stated that he cannot find any special circumstances to support approving a pole sign; and stated that it is important to be consistent and follow policy. Addressing Commissioner Goolsby's prior comment, he expressed his opinion this Commission is very business friendly.

Sharon Guidry, resident, stated that she lives adjacent to this property and that her home overlooks this site; noted her opposition to deviating from policy; and pointed out



that this applicant repeatedly violates the municipal code by working on vehicles in prohibited areas outside and that he has illegal structures on site. She pointed out that Planning Technician Alexander stated that while there is a tall pole sign across the street, the new operator was advised that it needs to be altered to conform to code, that it was changed without approval. She pointed out that the City has an obligation to address not only the business interests, but also the interests of the residents.

Mariam Vazquez, resident, expressed her belief this City has too many rules and regulations that hurt businesses; and she stated that the Commission should support the applicant's request for a 17-foot pole sign, especially given these hard economic times.

Planning Commission Decision:

Commissioner Gordon moved, seconded by Commissioner Diaz, to deny the applicant's request. (This motion was superseded by the substitute motion.)

Commissioner Schaefer asked if the Econo Lodge and the 76 gas station have received letters requiring them to take their pole signs down.

Senior Planner Signo stated that those establishments are permitted to keep their pre-existing pole signs up because they are not located in the MU-CS zone.

Planning Technician Alexander stated that the Kenworth sign will need to be changed to conform to what has been approved for that site, noting they have submitted plans to change the sign structure.

Assistant City Attorney Soltani explained that removal of the pole signs outside of the MU-CS zone is a 25-year-old policy and that those businesses along the MU-CS zone are required to remove their pole signs that have been in existence for years.

Commissioner Gordon pointed out that there were many discussions with regard to the Pep Boys and Just Tires pole signs, noting the decision to allow those to remain was not an arbitrary one; and expressed his belief this Commission has been consistent with its decisions after much discussion. He added that this Commission considered this applicant's project and all agreed on a monument sign, including the applicant; and while he appreciates the applicant's efforts and comments, he cannot find any special circumstance to support a pole sign.

Commissioner Verrett stated there was adequate deliberation when this project first came before this Commission to go with a monument sign, expressing her belief that it will be visible enough to attract those driving by; and stated that this applicant should erect a monument sign, noting that if it does not work out, that he may come back with a request for the pole sign. She concurred that there is no special circumstance at this time to support a pole sign and that she believes the Commission should be consistent in its decisions.

Commissioner Goolsby expressed his belief there are special circumstances to support the pole sign, such as the building being set back from the street and that it's outside of the MU-CS zone. He stated that the applicant has indicated the artist's rendering with the monument sign was misleading to the applicant when this project first came before the Commission.



Chairman Faletogo expressed his belief that the City has made a lot of exceptions to this 25-year-old sign policy, noting there are still plenty of pole signs in the City; stated that the policy makes room for case-by-case consideration; and expressed his belief that because of graffiti concerns, the building being set back from the street, and because he is located outside of the MU-CS zone, he would support a 17-foot pole sign at this site.

By way of a substitute motion, Commissioner Goolsby moved, seconded by Chairman Faletogo, to approve the applicant's request for a 17-foot pole sign. This motion carried as follows:

AYES: Faletogo, Goolsby, Saenz, Schaefer
NOES: Diaz, Gordon, Verrett
ABSTAIN: None
ABSENT: Brimmer

12. PUBLIC HEARING

A) Conditional Use Permit No. 882-11

Applicant's Request:

The applicant, Gabriel Varela, is requesting to approve a CUP for a second dwelling located within the RS (Residential, Single-Family) zoning district and located at 2729 and 2731 East Van Buren Street.

Staff's Recommendation:

Associate Planner Gonzalez presented staff report and the recommendation to APPROVE the Categorical Exemption; APPROVE Conditional Use Permit No. 882-11 subject to the conditions of approval attached as Exhibit "B" to the Resolution; and WAIVE further reading and ADOPT Resolution No. 13-2457, entitled, "A Resolution of the Planning Commission of the city of Carson approving Conditional Use Permit No. 882-11 for a second dwelling unit located at 2729 and 2731 East Van Buren Street."

Chairman Faletogo opened the public hearing.

Gabriel Varela, applicant, stated that he purchased the house as is and noted his concurrence with the conditions of approval.

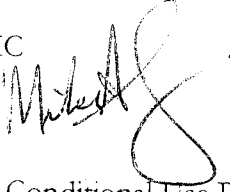
There being no further input, Chairman Faletogo closed the public hearing.

Planning Commission Decision:

Commissioner Diaz moved, seconded by Commissioner Saenz, to concur with staff's recommendation, thus adopting Resolution No. 13-2457. Motion carried, 7-0 (absent Commissioner Brimmer).



CITY OF CARSON
INTEROFFICE MEMORANDUM

DATE: February 25, 2013
TO: City Clerk Donesia L. Gause, CMC
FROM: Councilmember Mike A. Gipson 
SUBJECT: Appeal of Modification No. 1 to Conditional Use Permit No. 825-10

The purpose of this memorandum is to file an appeal of the Planning Commission decision on February 12, 2013 to allow the installation of a seventeen-foot pole sign in lieu of a monument sign. The appeal will provide the City Council an opportunity to consider the policy of utilizing monument signs for most commercial development.

Property Owner:
Vince Zankich,
3410 Starling Drive, Rancho Palos Verdes, CA 90275

Applicant:
Richard Nickel
Rick's Lube and Tune & Brakes
1209 East Carson Street, Carson CA 90745

Project Address
1209 East Carson Street, Carson, CA 90745

Case:
Modification No. 1 to Conditional Use Permit No. 825-10

RECEIVED
CITY CLERK
13 FEB 26 AM 6:00
CITY OF CARSON

CITY OF CARSON
PLANNING COMMISSION
RESOLUTION NO. 10-2333

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF CARSON APPROVING CONDITIONAL USE PERMIT
NO. 825-10 FOR A PROPOSED AUTO REPAIR USE LOCATED
AT 1209 E. CARSON STREET AND DENYING VARIANCE NO.
517-10, A REQUEST TO DEVIATE FROM CARSON MUNICIPAL
CODE SECTION NO. 9162.52**

**THE PLANNING COMMISSION OF THE CITY OF CARSON, CALIFORNIA,
HEREBY FINDS, RESOLVES AND ORDERS AS FOLLOWS:**

Section 1. An application was duly filed by the applicant, Rick Nickel, with respect to real property located at 1209 E. Carson Street, and described in Exhibit "A" attached hereto, requesting the approval of a Conditional Use Permit No. 825-10 to authorize a proposed auto repair use in CG (Commercial, General) zoning district, and Variance No. 517-10 to permit a deviation from Carson Municipal Code (CMC) Section No. 9162.52 to allow for less than the required setbacks for property fronting a public right-of-way. Pursuant to Sections 9138.2 and 9182.22 of the CMC, a conditional use permit is required for any vehicle service and repair use located within 100 feet of a residential zone district.

A public hearing was duly held on August 10, 2010, at 6:30 P.M. at City Hall, Council Chambers, 701 East Carson Street, Carson, California. A notice of time, place and purpose of the aforesaid meeting was duly given.

Section 2. Evidence, both written and oral, was duly presented to and considered by the Planning Commission at the aforesaid meeting.

Section 3. The Planning Commission finds that:

- a) The General Plan designates the property as General Commercial which is compatible with the proposed use. The auto repair use will be consistent with the surrounding uses and is appropriate for the subject property.
- b) The project is compatible in design with existing and anticipated development in the vicinity, including the aspects of site planning, land coverage, landscaping, appearance and scale of structures, open spaces, and other features relative to a harmonious and attractive development of the area.
- c) The site is adequate in size, shape, topography, location, utilities, and other factors to accommodate the proposed auto repair use. The surrounding land uses are primarily general commercial and high-density residential uses with which the proposed project is compatible. The site is 0.34 acres, relatively flat, and is located in a commercial zone.
- d) The circulation and street parking on the adjacent public streets will not be adversely impacted since there is adequate vehicular circulation and parking

spaces provided for the proposed auto repair use. Safety and convenience of vehicular and pedestrian access is provided.

- e)* Existing wall signs will be removed and replaced with box-letter, internally illuminated signs depicting the name of the proprietor. The existing, non-conforming, defunct pole sign will be removed. A new ~~monument~~ 17-foot pole sign is proposed for the southwest corner of the property.
- f) The proposed auto repair use meets the goals and objectives of the General Plan and is consistent with applicable zoning and design regulations. Therefore all of the required findings pursuant to Section 9172.21(D), Findings and Decision, can be made in the affirmative.
- g) There are no special circumstances which pertain specifically to the subject property including size, shape, topography, location or surroundings, for which the strict application of the zoning code would work to deprive such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.
- h) The proposed auto repair use requires a total of fifteen vehicular parking stalls, pursuant to Sections 9162.21 and 9138.12, as there are nine employees on the largest shift, three service bays, and a lack of company vehicles. The applicant is providing fifteen vehicular parking spaces total, including one disabled parking space.
- h) The subject site is 15,000 square feet in area. The minimum lot size for the Commercial General zone is 5,000 square feet. The subject property is three times the minimum lot size. There is adequate space on the property to provide code-compliant landscape setbacks, pursuant to Section 9162.52(B)(1).
- i) The subject site is a corner lot in a commercial zone with adequate visibility to passing motorists and potential customers. The subject property provides approximately 210 linear feet of street frontage along Carson Street and Perry Street combined. The minimum amount of street frontage required for CG-zoned lots is 50 feet. The subject site provides four times the minimum lot width required by Section 9135.4. There is a driveway along the eastern side of the property which provides convenient access for customers and facilitates proper queueing for service bay access.
- j) Installation of landscaping along the streets would not be detrimental to the proposed use and would allow for adequate parking and circulation on the property. Furthermore, approval of the variance request would be a special privilege not enjoyed by other properties in the area and under the same zoning designation.

Section 4. The Planning Commission further finds that the proposed use will not have a significant effect on the environment. The proposed use will not alter the predominantly general commercial character of the surrounding area and will meet or exceed all City standards for protection of the environment. Therefore, the proposed project is found

*On February 12, 2013, the Planning
Commission amended Section 3e

to be categorically exempt under Section 15301(e) of the CEQA (California Environmental Quality Act) Guidelines.

Section 5. Based on the aforementioned findings, the Commission hereby grants Conditional Use Permit No. 825-10 with respect to the property described in Section 1 hereof, subject to the conditions set forth in Exhibit "B" attached hereto and denies Variance No. 517-10.

Section 6. The Secretary shall certify to the adoption of the Resolution and shall transmit copies of the same to the applicant.

Section 7. This action shall become final and effective fifteen days after the adoption of this Resolution unless within such time an appeal is filed with the City Clerk in accordance with the provisions of the Carson Zoning Ordinance.

PASSED, APPROVED AND ADOPTED THIS 10th DAY OF AUGUST, 2010

CHAIRMAN

ATTEST:

SECRETARY



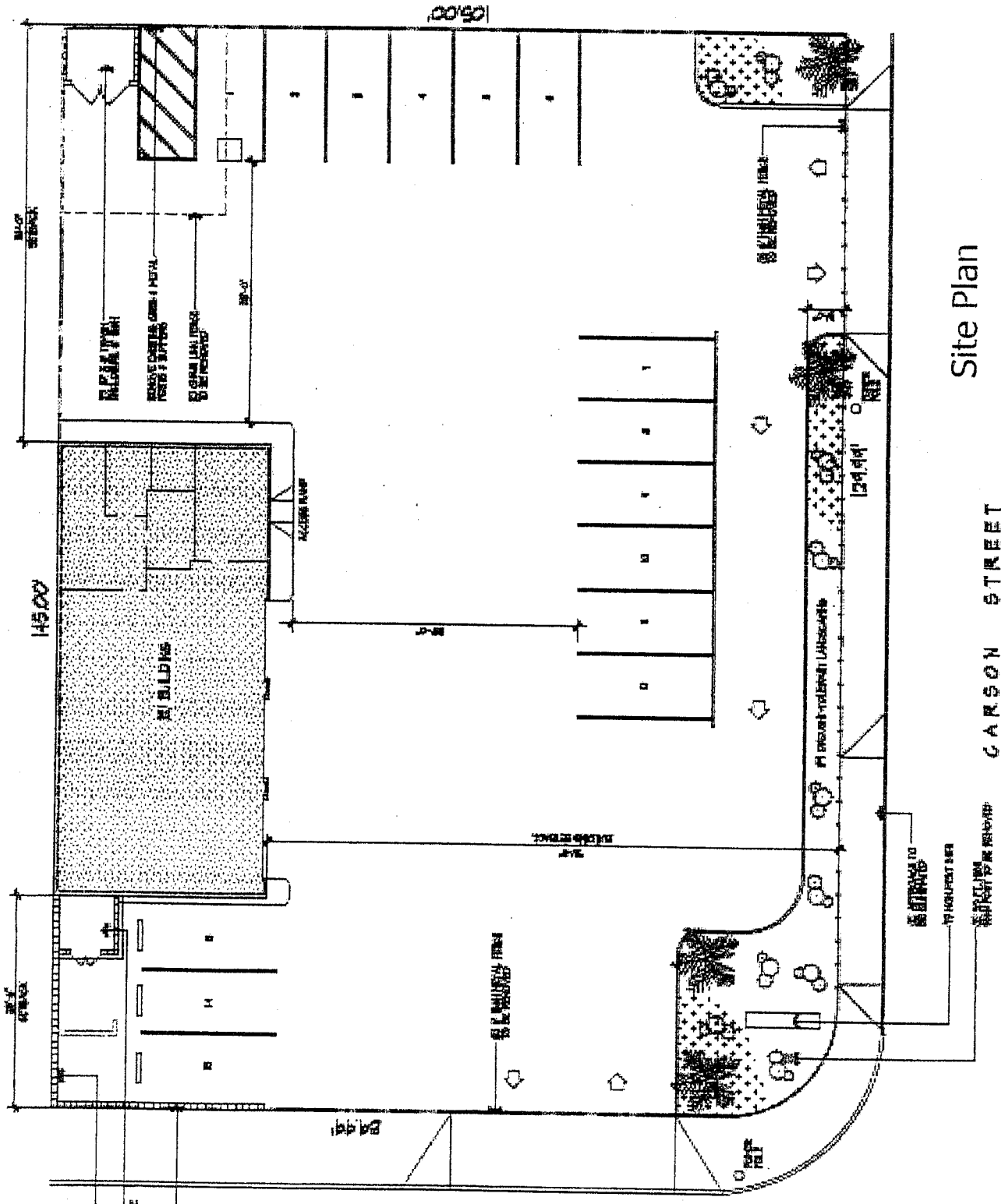
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FEB 10 1964
U.S. AIR FORCE
OFFICE OF THE
SPECIAL INQUIRY
COMMISSION



Approved by PC Reso 40-2333

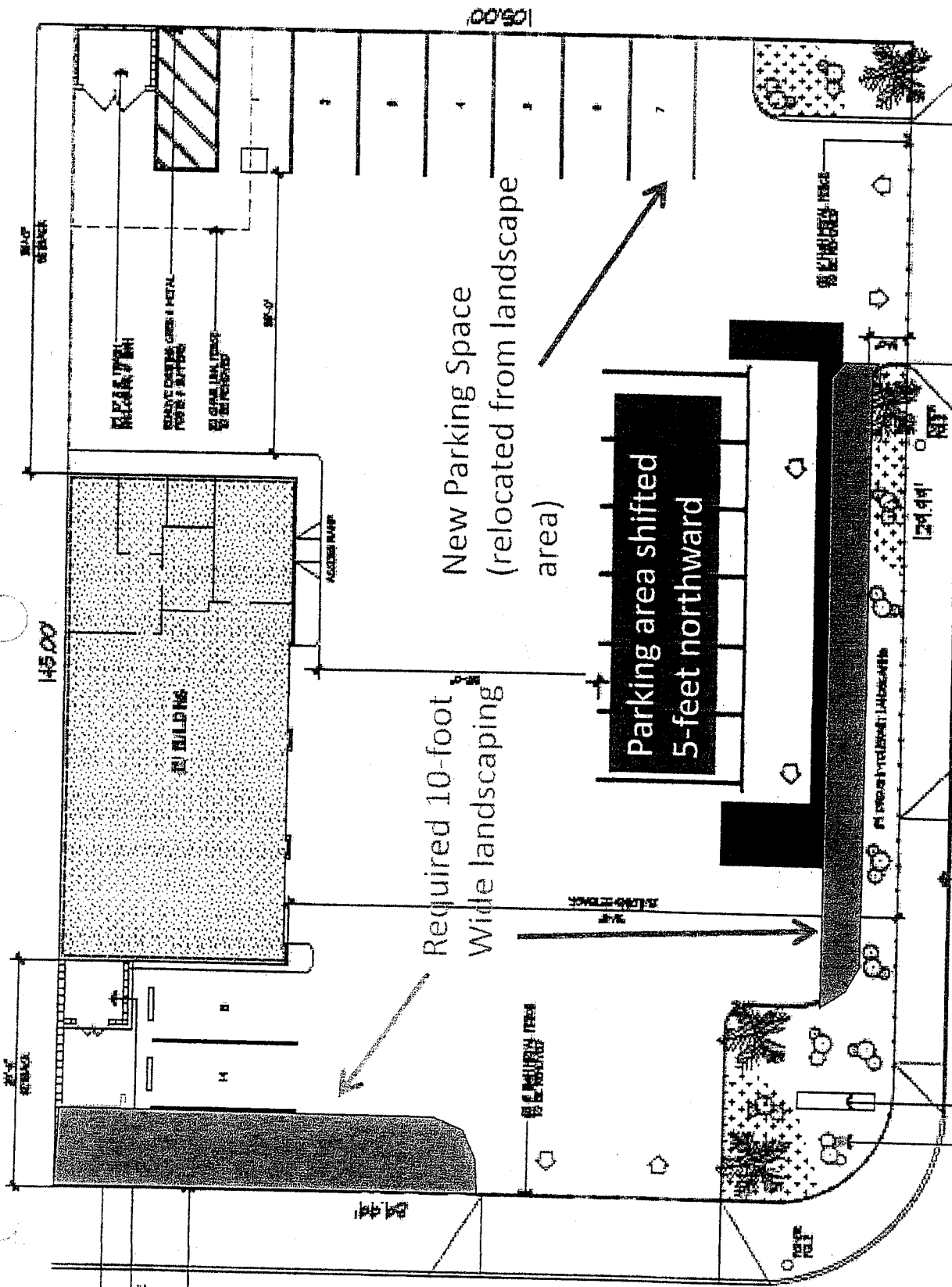
EXHIBIT NO. 04

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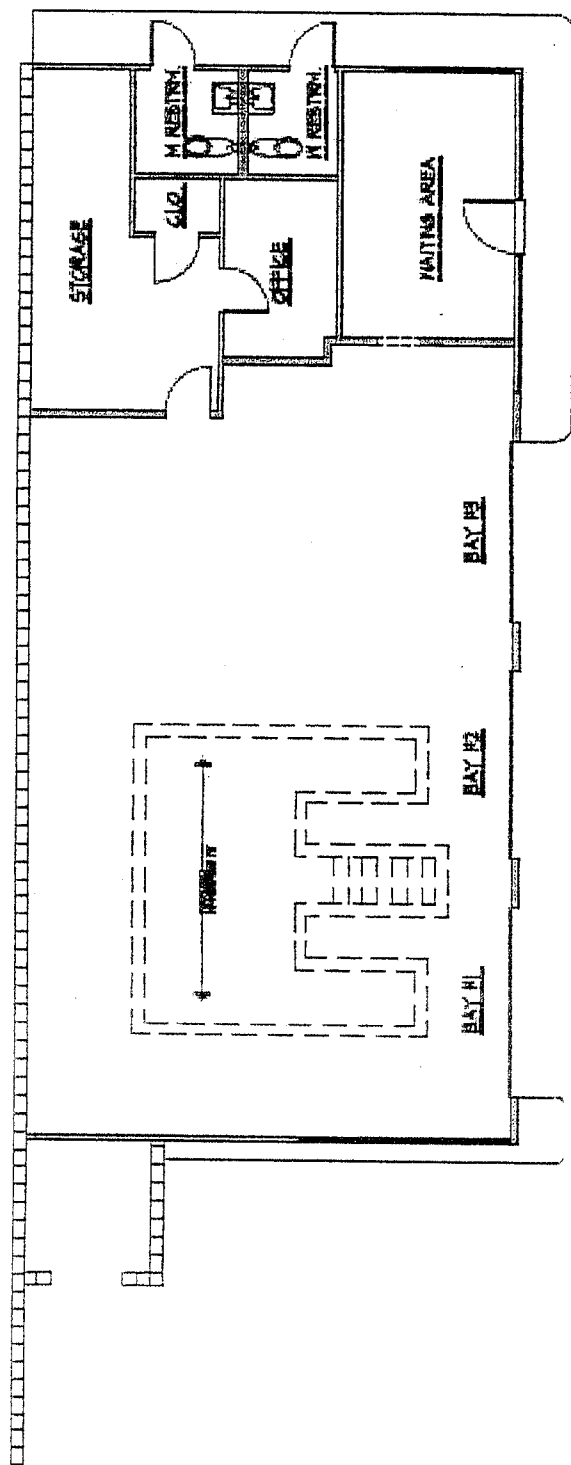


Site Plan

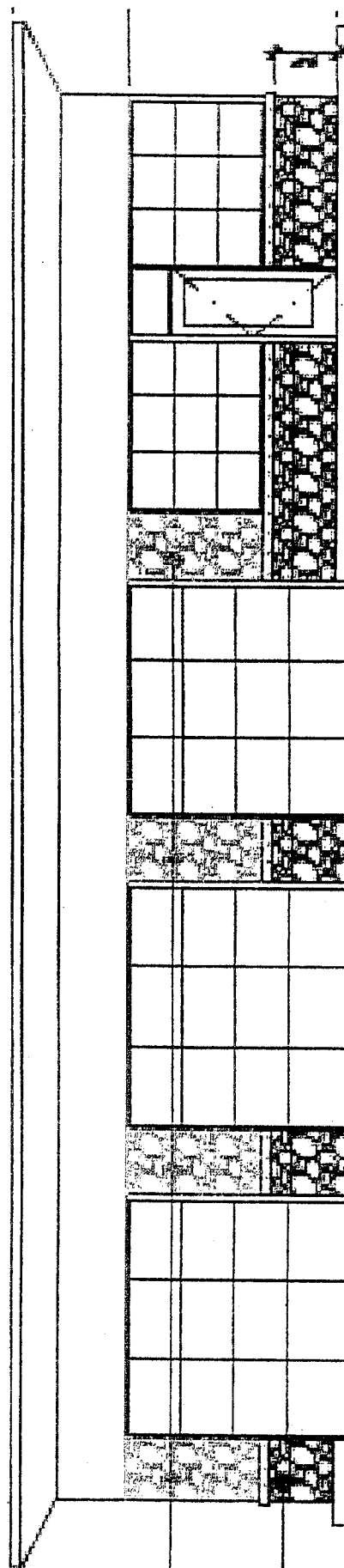
CARSON STREET



(staff) REVISED Site Plan
CARSON STREET



Floor Plan



Front Elevation

RESOLUTION NO. 10-110

A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF CARSON, CALIFORNIA AFFIRMING THE
DECISION OF THE PLANNING COMMISSION
APPROVING CONDITIONAL USE PERMIT NO. 825-10
AND DENYING VARIANCE NO. 517-10

THE CITY COUNCIL OF THE CITY OF CARSON HEREBY FINDS, RESOLVES, AND
ORDERS AS FOLLOWS:

Section 1. On August 10, 2010, the Planning Commission adopted Resolution No. 10-2333 on a 8-0 vote (one absent) approving a Conditional Use Permit (CUP) No. 825-10 for a proposed auto repair use located at 1209 E. Carson Street, and denying Variance No. 517-10 to deviate from the required landscape setback for the property area fronting a public right-of-way.

Section 2. On August 24, 2010, an appeal was filed by Mayor Dear on behalf of the property owner Vincent Zankich, pursuant to the requirements of Carson Municipal Code (CMC) Section 9173.4.

Section 3. Public hearings were duly held on October 19, 2010, and November 3, 2010 at Carson City Hall, Council Chambers, 701 East Carson Street, Carson, California. A notice of the time, place, and purpose of the aforesaid meetings was duly given. Evidence, both written and oral, was duly presented to and considered by the City Council at the said hearing.

Section 4. The City Council hereby finds that:

- a) The General Plan designates the property as General Commercial which is compatible with the proposed use. The auto repair use will be consistent with the surrounding uses and is appropriate for the subject property.
- b) The project is compatible in design with existing and anticipated development in the vicinity, including the aspects of site planning, land coverage, landscaping, appearance and scale of structures, open spaces, and other features relative to a harmonious and attractive development of the area.
- c) The circulation and street parking on the adjacent public streets will not be adversely impacted since there is adequate vehicular circulation and parking spaces provided for the proposed auto repair use. Safety and convenience of vehicular and pedestrian access is provided.
- d) The proposed auto repair use meets the goals and objectives of the General Plan and is consistent with applicable zoning and design regulations.
- e) The subject property is adequate in size, shape, topography, location, utilities, and other factors to accommodate the proposed auto repair use. The surrounding land uses are primarily general commercial and high-density residential uses with

CITY OF CARSON

CITY COUNCIL

EXHIBIT "A"

LEGAL DESCRIPTION

CONDITIONAL USE PERMIT NO. 825-10; VARIANCE NO. 517-10

Property Address: 1209 E. Carson Street

Parcel Identification Number: 7327-005-015

That Portion of Lot 33 of Tract No 4045, in the City of Carson, County of Los Angeles, State of California as per Map recorded in Book 44, Pages 39-41 of Maps, in the Office of the County Recorder of Said County.

CITY OF CARSON

CITY COUNCIL

EXHIBIT "B"

CONDITIONS OF APPROVAL

CONDITIONAL USE PERMIT NO. 825-10

GENERAL CONDITIONS

1. If a business license permit for said use is not issued within one year of the date of approval of Conditional Use Permit No. 825-10, said permit shall be declared null and void unless an extension of time is requested prior to expiration and approved by the Planning Commission.
2. Upon activation, the Conditional Use Permit shall become automatically null and void if said use has been suspended or has ceased to exist for a period of one year, unless an extension of time is requested prior to expiration and approved by the Planning Commission.
3. The approved Resolution, including the Conditions of Approval contained herein, and signed Affidavit of Acceptance, shall be copied in their entirety and placed directly onto a separate plan sheet behind the cover sheet of the development plans prior to Building and Safety plan check submittal. Said copies shall be included in all development plan submittals, including any revisions and the final working drawings.
4. The applicant shall comply with all city, county, state and federal regulations applicable to this project.
5. The applicant shall make any necessary site plan and design revisions to the site plan and elevations approved by the Planning Commission in order to comply with all the conditions of approval and applicable Zoning Ordinance provisions. Substantial revisions will require review and approval by the Planning Commission. Any minor revisions shall be reviewed and approved by the Planning Division prior to Building and Safety plan check submittal.
6. The applicant and property owner shall sign an Affidavit of Acceptance form and submit the document to the Planning Division within 30 days of receipt of the Planning Commission Resolution.
7. It is further made a condition of this approval that if any condition is violated or if any law, statute ordinance is violated, this permit may be revoked by the Planning Commission or City Council, as may be applicable; provided the applicant has been given written notice to cease such violation and has failed to do so for a period of thirty days.

ENGINEERING SERVICES DEPARTMENT - CITY OF CARSON

15. Prior to issuance of a Building Permit, Proof of Worker's Compensation and Liability Insurance must be on file with the Los Angeles County Building and Safety Department.

BUSINESS LICENSE DEPARTMENT – CITY OF CARSON

16. Per section 6310 of the Carson Municipal Code, all parties involved in the project, including but not limited to contractors and subcontractors, will need to obtain a City Business License.



CITY OF CARSON

PLANNING COMMISSION STAFF REPORT

NEW BUSINESS DISCUSSION: February 12, 2013
SUBJECT: Modification No. 1 to Conditional Use Permit No. 825-10
APPLICANT: Rick's Lube and Tune & Brakes
Representative: Rick Nickel
1025 E. Carson Street
Carson, CA 90745
REQUEST: Modification of conditions of approval to eliminate an approved monument sign and replace with a seventeen-foot pole sign at an auto repair business on a site located within 100 feet of a residential use
PROPERTY INVOLVED: 1209 E. Carson Street

COMMISSION ACTION

☐ Concurred with staff
☒ Did not concur with staff
☐ Other

COMMISSIONERS' VOTE

AYE	NO		AYE	NO	
✓		Chairman Faletogo		✓	Gordon
	✓	Vice-Chair Verrett	✓		Saenz
Absent		Brimmer	✓		Schaefer
	✓	Diaz			
✓		Goolsby			

Item No. 11A

EXHIBIT NO. 06

I. **Introduction**

Property Owner

Vince Zankich,
3410 Starling Drive, Rancho Palos Verdes, CA 90275

Applicant

Richard Nickel
1209 East Carson Street, Carson CA 90745

Project Address

1209 E. Carson Street, Carson, CA 90745

Project Description

The applicant requests consideration to modify the conditions of approval of Conditional Use Permit No. 825-10 to eliminate an approved monument sign and replace with a seventeen-foot pole sign at an auto repair business on a site located in the CG (Commercial, General) zoning district and within 100 feet of a residential use.

This request has been referred to the Planning Commission as a minor modification to the CUP with no public hearing required.

II. **Background**

Previous Uses and Current Use of Property

The property was originally developed with a 1,700-square-foot retail petroleum outlet built in 1965, which was abandoned in 1978. The property was then converted to an RV Service Center (dba Sunset Motors) in 1978, pursuant to Conditional Use Permit No. 170-78. Upon purchasing the property in 1983, the current property owner stored and repaired used vehicles there until September 2007 when Mother Trucker's (formerly American Camper Shell) leased the site. As part of their initial investment plans upon occupying the site, Mother Trucker's removed the original canopy which previously covered the fuel dispensaries, reslurried the property, removed the slats in the chain link fence surrounding the property, completed cosmetic upgrades to the building façade, and performed some interior improvements. However, Mother Trucker's failed to provide the required landscape improvements per applicable municipal codes. Mother Trucker's vacated the property in early 2010 and the property remained vacant until recently being occupied by Rick's Lube and Tune & Brakes in 2012. Rick's Lube and Tube & Brakes provides oil change, basic auto repair, and brake repair services 8 a.m. to 5 p.m., Monday-Friday, 8 a.m. to 4 p.m. Saturdays, and closed Sundays.

Previously Approved Discretionary Permits

Conditional Use Permit No. 170-78 was approved for an RV-repair use, although there are no records to indicate that a business license was ever obtained for the

use. However, there are business license records which show a continuous auto-repair use on the subject property since 1983.

On August 10, 2010, the Planning Commission concurrently denied Variance No. 517-10 to reduce the required landscape setback (from 10 feet to 5 feet) for property area fronting the public right-of-way and approved Conditional Use Permit No. 825-10 to allow a legal nonconforming vehicle service and repair use located within 100 feet of a residential zone pursuant to Sections 9138.2 and 9182.22 of the Carson Municipal Code (CMC). The approval included building and site improvements along with proposed signage for a new wall sign and monument sign (Exhibit Nos. 1 and 2).

On August 24, 2010, an appeal was filed by Mayor Dear on behalf of the property owner, Vincent Zankich, pursuant to the requirements of CMC Section 9173.4. Public hearings were held before the City Council on October 19, 2010 and November 3, 2010. On November 3, 2010, the City Council affirmed the Planning Commission's decision set forth in Resolution No. 10-2333 which granted Conditional Use Permit No. 825-10, subject to conditions of approval, and denied Variance No. 517-10 (Exhibit No. 3).

Approval of Conditional Use Permit No. 825-10 conditioned the applicant to provide development improvements to the building and the property. The applicant agreed to re-stucco and repaint the building, provide required off-street parking, build a new trash enclosure, remove the existing sign support structure, and build a new monument sign (Exhibit No. 4). Most of the modifications have been done to the subject property, except for installation of the approved monument sign (Exhibit No. 5). The applicant has installed a flag pole in the proposed monument sign area.

Public Safety Issues

There have been code enforcement activities associated with the subject business. Code Enforcement and Planning staff has observed auto repair and/or service operations being performed outside of the building. The Carson Municipal Code specifically prohibits exterior repair within 100 feet of a residential zone. Staff mailed a letter to the applicant to cease the prohibited operations outside of the building. The business owner indicates that outside repair has been discontinued (Exhibit No. 6).

III. Analysis

Location/Site Characteristics/Existing Development

The subject property is located at 1209 E. Carson Street. A three-story residential condominium complex is adjacent to the north side of the subject property. A newer three-story condominium development is located on the east side of the subject property. Across Perry Street west of the subject property is a small industrial property. Commercial buildings (formerly RV sales/service center) are located across Carson Street south of the subject property and will be occupied by the new Inland Kenworth truck sales and service facility. The lot area is approximately 15,000 square feet and the subject site consists of a 1,700-square-foot commercial building

constructed in 1965. The building is currently set-up for an auto repair use consisting of three working service bays with auto lifts, a small office, customer waiting area and storage room.

City Policy Related to Monument Signs

For the past 25 years, the city has established a policy to approve monument signs in lieu of pole signs for most commercial properties. This policy is consistent with many other communities that have prioritized monument signs as a means of promoting compatibility within commercial districts.

In preparation for this agenda item, staff reviewed a proposed development plan in 2001 for the McDonald's restaurant located south of City Hall at 21836 S. Avalon Boulevard. DOR No. 765-01 proposed to demolish the existing McDonald's restaurant and build a new building which included a request to retain the existing pole sign. Staff made findings to support the new building, but recommended McDonald's to remove the existing pole sign and install a new monument sign. The Planning Commission concurred with staff's findings, and rendered its decision to continue its then 14-year precedence to approve monument signs for most commercial uses. Upon appeal by the applicant, the City Council affirmed the Planning Commission's decision thus requiring installation of a new monument sign and denying the retention of the McDonald's pole sign. The City Council action provided a firm determination regarding the policy to require monument signs for smaller commercial developments. Since that time, staff and the Planning Commission have consistently applied the policy.

The Planning Commission typically considers the following when reviewing business signs:

- All signs are subject to review of a development plan pursuant to CMC Section 9172.23.
- All new signs must obtain a sign permit before installation.
- New buildings require a sign program as a condition of Planning Commission approval.
- Planning Commission typically requires monument signs for commercial businesses.
- Pole signs may be authorized for larger, multiple tenant commercial centers.
- Pylon signs may be authorized for freeway-oriented businesses.

Admittedly, there are some older commercial and industrial sites that have existing poles signs. The Planning Commission does not consider these older pole signs as justification to approve new pole signs and has consistently supported approval of monument signage for commercial for the past 25 years for new or redeveloped properties. Some historical and recent examples of the Planning Commission's policy to install new monument signs are as follows:

- Torrance Memorial Family Medical Center, 824 E. Carson Street
- Jack In the Box, 939 E. Carson Street
- Express Pipe & Supply Co., 1000 E. Carson Street
- Central Baptist Church, 1641 E. Carson Street
- Samoan Congregational Christian Church, 1249 E. Carson Street
- Chevron Gas Station, 655 E. Carson Street
- Taco Bell, 22235 S. Main Street
- Carson Bail Bonds, 21316 S. Avalon Boulevard

Other notable businesses that removed their pole signs and replaced with signage that complies with the Commission's signage precedence are America's Tire and Firestone on Avalon Boulevard, and Chevron and PC Warehouse on Carson Street.

Zoning and General Plan Designation

The subject property is zoned CG (Commercial, General). The properties to the north and east are zoned RM-25 and RM-25-D (Residential, Multi-Unit, 25-units per acre – Design Overlay). The property to the west is zoned ML-D (Manufacturing, Light – Design Overlay). Property directly south is zoned CG-D (Commercial, General – Design Overlay). The subject property has a General Plan Land Use designation of General Commercial.

Required Findings: Conditional Use Permit No. 825-10

Pursuant to Section 9172.21(D), Conditional Use Permit, on August 10, 2010, the Planning Commission approved the development of the site based on following findings:

1. The proposed use and development will be consistent with the General Plan.
2. The site is adequate in size, shape, topography, location, utilities and other factors to accommodate the proposed use and development.
3. There will be adequate street access and traffic capacity.
4. There will be adequate water supply for fire protection.
5. The proposed use and development will be compatible with the intended character of the area.

The development has improved the subject property and enhanced the surrounding area. Staff finds that there are no special circumstances related to the subject property to support deviating from City Council's direction and the Planning Commission's commercial signage precedence to allow a pole sign. Monument signage has been consistently required for new commercial businesses for the past 25 years. Therefore, staff recommends denial of the modification request.

Issues of Concern:

- To approve a pole sign would work against City Council direction and the Planning Commission's precedence to require monument signage for new commercial businesses.

IV. Recommendation

That the Planning Commission:

- **DENY** Modification No. 1 to Conditional Use Permit No. 825-10; and
- **ADOPT** a minute resolution and instruct staff to make necessary changes to Resolution No. 10-2333.

V. Exhibits

1. August 10, 2010 – Planning Commission Resolution No. 10-2333
2. August 10, 2010 – Planning Commission Staff Report
3. November 3, 2010 – City Council Resolution No. 10-110
4. CUP No. 825-10 – Approved Site Plan
5. Approved Business Sign Application
6. Cease and Desist Letter dated January 3, 2013
7. Development Plans for Proposed Pole Sign

Prepared by: _____

McKina Alexander, Planning Technician

Reviewed by: _____

John F. Signo, AICP, Senior Planner

Approved by: _____

Sheri Repp-Loadsman, Planning Officer



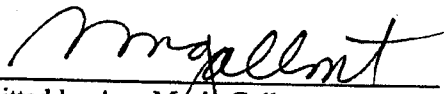



City of Carson

Report to Mayor and City Council

September 17, 2002
Special Orders of the Day

SUBJECT: CONTINUED PUBLIC HEARING TO CONSIDER AN APPEAL OF THE PLANNING COMMISSION'S APPROVAL OF DESIGN OVERLAY REVIEW NO. 765-01 FOR A MCDONALD'S FAST FOOD RESTAURANT IN THE CG (COMMERCIAL, GENERAL) ZONE DISTRICT, LOCATED AT 21836 SOUTH AVALON BOULEVARD.


Submitted by Ann Marie Gallant
Development Services General Manager


Approved by Jerome G. Groomes
City Manager

I. SUMMARY

On September 3, 2002, the City Council continued consideration of Design Overlay Review No. 765-01 to September 17, 2002 to allow the Council Sign Sub-Committee to meet and provide a recommendation to the City Council. On September 4, 2002, the Council Sign Sub-Committee reviewed the appeal and has recommended that the City Council affirm the Planning Commission decision to require a monument sign of the applicant, replacing the pole sign within two years.

II. RECOMMENDATION

TAKE the following actions:

1. **OPEN** the public hearing, **TAKE** public testimony, and **CLOSE** the public hearing.
2. **DENY** the appeal by affirming the decision of the Planning Commission to require removal of the existing pole sign and construction of a monument sign and **MODIFY** Design Overlay Review No. 765-01 requiring replacement of the existing pole sign in two years with a monument sign.
3. **DIRECT** staff and the City Attorney's office to prepare the necessary resolution approving Design Overlay Review No. 765-01 and adding conditions of approval to require removal of the pole sign within two years and construction of a monument sign within two years.

III. ALTERNATIVES

The City Council may return this matter to the Planning Commission for further consideration.

September 17, 2002

IV. BACKGROUND

In December 2001, an application to demolish the existing building and construct a new fast food drive-through restaurant was submitted to the Planning Division. On May 14, 2002, staff recommended to the Planning Commission approval of the applicant's proposal. The Planning Commission requested removal of the existing pole sign and installation of a monument sign identifying the restaurant. The Planning Commission noted that a monument sign would be consistent with other, newer signs installed by other businesses on Avalon Boulevard, as well as on other major corridors in the City of Carson. The applicant counter-proposed to allow the existing pole sign to remain and that it be repainted with the sign face replaced. After some discussion, the Planning Commission voted to approve the project subject to removal of the pole sign. On May 29, 2002, Councilmember Calas filed an appeal of the Planning Commission action with the City Clerk.

On July 16, 2002, August 20, 2002, and September 3, 2002, the City Council continued consideration of Design Overlay Review No. 765-01 to allow the Council Sign Sub-Committee to meet and provide a recommendation to the City Council. The Sign Sub-Committee meeting had not taken place due to conflicting schedules and new sub-committee members being assigned by the City Council. The Council Sign Sub-Committee meeting was held on September 4, 2002.

On September 4, 2002, the City Council Sign Sub-Committee recommended that the applicant replace the pole sign within two years with a monument sign. Therefore, based upon this sub-committee recommendation, the following conditions of approval are recommended to be added to Design Overlay Review No. 765-01:

- A. That the site plan shall be modified to indicate the location of the future monument sign. The applicant shall submit a sign program specifying all signs to be placed on the subject property. Said sign program shall be approved prior to the issuance of the building permit for this site.
- B. The applicant shall remove the pole sign no later than September 17, 2003.
- C. The applicant shall provide electrical wiring and other related improvements during the construction of the building as may be deemed reasonable to facilitate the installation of the monument sign.

V. FISCAL IMPACT

None.

September 17, 2002

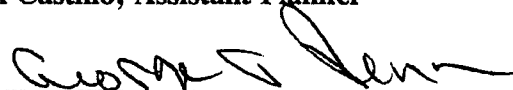
VI. EXHIBITS

1. City Council staff report dated July 16, 2002 (without exhibits) (pgs. 4-9)

Prepared by:

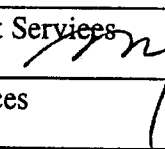

Max Castillo, Assistant Planner

Approved by:


Assistant City Manager

sf:Rev061902

Reviewed by:

City Clerk	City Treasurer
Administrative Services	Development Services 
Economic Development Services	Public Services

Action taken by City Council

Date _____ Action _____



City of Carson

Report to Mayor and City Council

July 16, 2002
Special Orders of the Day

SUBJECT: PUBLIC HEARING TO CONSIDER AN APPEAL OF THE PLANNING COMMISSION'S APPROVAL OF DESIGN OVERLAY REVIEW NO. 765-01 FOR A MCDONALD'S FAST FOOD RESTAURANT IN THE CG (COMMERCIAL, GENERAL) ZONE DISTRICT, LOCATED AT 21836 SOUTH AVALON BOULEVARD.

Submitted by Ann Marie Gallant
Development Services General Manager

Approved by Jerome G. Groomes
City Manager

I. SUMMARY

On May 14, 2002, the Planning Commission approved Design Overlay Review No. 765-01 for a McDonald's fast food restaurant in the CG (Commercial, General) zone (Exhibit No. 1), subject to removal of the existing pole sign. The site is located at 21836 S. Avalon Boulevard. On May 29, 2002, Councilmember Calas filed an appeal of the Planning Commission action (Exhibit No. 2) with the City Clerk.

II. RECOMMENDATION

TAKE the following actions:

1. **OPEN** the public hearing, **TAKE** public testimony, and **CLOSE** the public hearing.
2. **DENY** the appeal by affirming the decision of the Planning Commission approving Design Overlay Review No. 765-01.
3. **DIRECT** staff and the City Attorney's office to prepare the necessary resolution approving Design Overlay Review No. 765-01.

III. ALTERNATIVES

The City Council may approve, modify, deny or return this matter to the Planning Commission for further consideration or refer the item to the City Council Sign Sub-Committee for further review and analysis.

IV. BACKGROUND

The existing McDonald's restaurant was originally approved and constructed in 1970. In December 2001, an application to demolish the existing building and construct a new fast food drive-through restaurant was submitted to the Planning

July 16, 2002

Division. A larger, redesigned building was proposed with additional front yard landscaping and improved on-site circulation.

On May 14, 2002, staff recommended to the Planning Commission approval of the applicant's proposal. The Planning Commission requested removal of the existing pole sign and installation of a monument sign identifying the restaurant. The Planning Commission noted that a monument sign would be consistent with other, newer signs installed by other businesses on Avalon Boulevard, as well as on other major corridors in the City of Carson. The applicant counter-proposed to allow the existing pole sign to remain and that it be repainted with the sign face replaced. After some discussion, the Planning Commission voted to approve the project subject to removal of the pole sign.

Applicant's Appeal

Councilmember Calas states that the decision of the Planning Commission was made in error. The Councilmember states "The business owner has been at this location for more than 15 years. Requiring a pole sign as part of the DOR conditions negatively impacts the business "visibility", creates an economic hardship on the franchisee; and establishes sign standards for the Carson Street Corridor which are now under discussion by the City Council Sign Sub-Committee for ultimate recommendation to the City Council."

The appeal does not elaborate on the basis for determining any specific error by the Planning Commission. The Carson Municipal Code requires the Planning Commission to conduct public hearings and decide on applications for new businesses and development. The Planning Commission routinely reviews development plans to determine compliance with the Carson Municipal Code and compatibility with existing and anticipated development. Considerable attention has been given to business signs by the Planning Commission to assure that new development is more contemporary and in keeping with cities known for quality development standards.

The McDonald's proposal required approval of a development plan pursuant to Section 9172.23 of the Carson Municipal Code. This section states that the project may be approved by the Planning Commission only if the following findings can be made:

1. Compatibility with the General Plan, any specific plans for the area, and surrounding areas.
2. Compatibility of architecture and design with existing and anticipated development in the vicinity, including the aspects of site planning, land

July 16, 2002

coverage, landscaping, appearance, scale of structures, open spaces, and other features relative to a harmonious and attractive development of the area.

3. Convenience and safety of circulation for pedestrians and vehicles.
4. Attractiveness, effectiveness and restraint in signing, graphics and color.
5. Conformance to any applicable design standards and guidelines, which have been adopted pursuant to Section 9172.15.

During the past 15 years, the Planning Commission has routinely required monument signs and sign programs for multi-tenant developments. A summary of approved fast food projects follows:

PERMIT NUMBER	RESTAURANT	ADDRESS	TYPE OF SIGN
DOR NO. 395-87	Burger King	22303 Avalon Blvd.	Monument
DOR NO. 421-87	Lucky Star Café	17209 Central	Monument
DOR NO. 454-88	Hong Kong Express	17605 Central	Monument
DOR NO. 600-94	Yoshinoya	101 E. Carson St.	Pole sign (existing pole from Long John Silver Restaurant)
DOR NO. 633-96	Burger King	20950 Figueroa	Monument
DOR NO. 673-98	McDonald's/Chevron	17455 Central	Monument and freeway-oriented pylon
DOR NO. 683-98	Jack in the Box	939 E. Carson	Monument
DOR NO. 702-99	McDonald's	20315 Avalon	Monument
DOR NO. 714-00	Taco Bell	22235 Main St.	Monument
DOR NO. 717-00	McDonald's	Sepulveda	Monument and multi-tenant pylon shared with Home Depot

July 16, 2002

DOR NO. 739-01	Starbuck's	20810 Avalon	None
DOR NO. 746-01	Kentucky Fried Chicken	21629 Figueroa	Monument (pole sign to be removed as condition of approval)
DOR NO. 743-01	Del Taco	1933 E. 223 rd St.	Monument and freeway-oriented pylon
DOR NO. 751-01	Chevron/Quiznos	22212 Wilmington	Freeway-oriented pylon
DOR NO. 770-01	Jack in the Box	371 Albertoni	Monument

The Planning Commission has required a monument sign for all but one newly constructed fast food restaurant since 1987. Yoshinoya demolished the prior Long John Silver's restaurant and maintained the existing pole sign. Notwithstanding this exception, the Planning Commission has taken a stricter view of the use of existing pole signs. The Kentucky Fried Chicken at 21629 Figueroa Street has been required to remove its pole sign as a condition of approval to the recent authorization to remodel the existing restaurant. Similarly, other businesses such as the Goodwill Store were required to remove an existing pole sign as a condition of approval.

The appeal raises the question as to the adequacy of visibility if monument signs are required. Visibility is based on many factors. In the case of the proposed McDonald's, the existing pole sign is now substantially blocked by the mature street trees. A monument sign would provide comparable visibility as the pole sign from the street frontage. The architectural design of the new restaurant prominently displays business signs identifying the McDonald's name and logo.

Economic hardship is also cited in the appeal. While an important factor, the Planning Commission considered numerous findings in reaching its decision. The Planning Commission determined that the proposed signs on the building, combined with a monument sign, would provide ample visibility for the McDonald's restaurant. It is also noted that this McDonald's is an existing restaurant with a very strong customer base. The enhanced building design and more efficient parking layout is anticipated to increase the number of customers.

July 16, 2002

The appeal states that "requiring a pole sign as part of the DOR conditions.....establishes sign standards for Carson Street Corridor which are now under review by the City Council sign sub-committee for recommendation to the City Council." The Planning Commission has found that pole signs are not consistent in design with the surrounding area per Section 9172.23 of the Carson Municipal Code. Monument signs have been determined by the Planning Commission to provide adequate visibility while providing design consistency, in terms of appearance and scale. The subject property is not located on the Carson Street Corridor, but adjacent to it. However, the requirement for a monument sign to be utilized for fast food restaurants would apply throughout the city.

New development proposals for commercial and industrial business have typically included monument signs, particularly along major City corridors. In this case, a requirement for McDonald's to provide a monument sign would be consistent with City policy and practice toward the use of monument signs for this type of business. Staff recommends affirming the Planning Commission's decision to approve Design Overlay Review No. 765-01.

V. FISCAL IMPACT

None.

VI. EXHIBITS

1. Planning Commission staff report dated May 14, 2002 (pages 7 - 22)
2. Appeal letter dated May 29, 2002 (page 23)

Mc/d76501c

Prepared by: _____
Max Castillo, Assistant Planner

Approved by: _____
Assistant City Manager

sf:Rev061902

July 16, 2002

Reviewed by:

City Clerk	City Treasurer
Administrative Services	Development Services
Economic Development Services	Public Services

Action taken by City Council

Date_____ Action_____

ITEM NO. (18) RESOLUTION NO. 02-127, ALLOWING CLAIMS AND DEMANDS IN THE AMOUNT OF \$763,811.76, DEMAND CHECK NUMBERS 036540 THROUGH 036826.

ACTION: WITH FURTHER READING WAIVED, Resolution No. 02-127 was PASSED, APPROVED and ADOPTED, as read by title only, on motion of Calas, seconded by Dear, and carried by the following vote with Calas abstaining on Check Nos. 036554, 036583, 036708, and 036819 only:

Ayes:	Sweeney, Frank, Calas, and Dear
Noes:	None
Abstain:	None
Absent:	None

SPECIAL ORDERS OF THE DAY (Items 19 - 22)

ITEM NO. (19) CONTINUED PUBLIC HEARING TO CONSIDER AN APPEAL OF THE PLANNING COMMISSION'S APPROVAL OF DESIGN OVERLAY REVIEW NO. 765-01 FOR A MCDONALD'S FAST FOOD RESTAURANT IN THE CG (COMMERCIAL, GENERAL) ZONE DISTRICT, LOCATED AT 21836 S. AVALON BLVD. (DEVELOPMENT SERVICES)

(Council Member Calas exited the meeting at 6:56 P.M. due to a conflict.)

Public Hearing

Mayor Sweeney declared the Continued Public Hearing open to Consider an Appeal of the Planning Commission's Approval of Design Overlay Review No. 765-01 for a McDonald's Fast Food Restaurant in the CG (Commercial, General) Zone District, Located at 21836 S. Avalon Boulevard.

City Clerk's Report

City Clerk Kawagoe reported since this was a Continued Public Hearing, no additional notices were required.

Staff Report

City Manager Groomes summarized the staff report and recommendation.

Mayor Sweeney requested all interested persons who wish to be heard regarding this evening's public hearing, as previously described, should stand and take the oath to testify.

City Clerk Kawagoe administered the oath and the following person testified as follows:

Public Testimony

Clifford Cannon, 19410 Radlett, Carson, California 90746, stated that he was in attendance to support the denial. He clarified that it was not about McDonald's. What was at stake was the vision they have for the City of Carson. He hoped that the City Council would take that into consideration. He acknowledged that he was aware of a compromise and commented that if the City Council were to go that route, he urged the City Council to enforce it for three years.

There being no further persons wishing to testify, Mayor Sweeney declared the Continued Public Hearing closed.

Deliberation

Council Member Dear reported that the Sign Sub-Committee discussed this issue and had arrived at a compromise to give the owner a couple of years extension before installing the monument sign.

RECOMMENDATION for the City Council:

TAKE the following actions:

1. **OPEN** the public hearing, **TAKE** public testimony, and **CLOSE** the public hearing.
2. **DENY** the appeal by affirming the decision of the Planning Commission to require removal of the existing pole sign and construction of a monument sign and **MODIFY** Design Overlay Review No. 765-01 requiring replacement of the existing pole sign in two years with a monument sign.
3. **DIRECT** staff and the City Attorney's office to prepare the necessary resolution approving Design Overlay Review No. 765-01 and adding conditions of approval to require removal of the pole sign within two years and construction of a monument sign within two years.

ACTION: It was moved to Approve staff recommendation Nos. 1, 2, and 3 on motion of Dear, seconded by Frank and unanimously carried by the following vote:

Ayes:	Sweeney, Frank, and Dear
Noes:	None
Abstain:	None
Absent:	Calas

(Council Member Calas reentered the meeting at 7:03 P.M.)



CITY OF CARSON

CITY COUNCIL

RESOLUTION NO.02-134

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA
MODIFYING THE DECISION OF THE PLANNING COMMISSION AND APPROVING
DESIGN OVERLAY REVIEW NO. 765-01**

**THE CITY COUNCIL OF THE CITY OF CARSON HEREBY FINDS, RESOLVES AND
ORDERS AS FOLLOWS:**

Section 1. An application was duly filed by the applicant, McDonald's Corporation, with respect to real property located at 21836 Avalon Boulevard and described in Exhibit "A" attached hereto, requesting the approval of Design Overlay Review (hereinafter "DOR") No. 765-01. Said application seeks design review of a 4,786 square foot drive-thru restaurant

Section 2. A public hearing was duly held by the Planning Commission on May 14, 2002, at 6:30 P.M. at City Hall, Council Chambers, 701 East Carson Street, Carson, California. A notice of time, place and purpose of the aforesaid meeting was duly given. Evidence, both written and oral, was duly presented to and considered by the Planning Commission at the aforesaid meeting. At the conclusion of the meeting, the Planning Commission voted to approve DOR No. 765-01, subject to conditions.

Section 3. An appeal of the Planning Commission's decision was timely filed by Councilmember Calas. A public hearing was duly held by the City Council on July 16, August 6, August 20, September 3 and September 17, 2002 at 6:00 p.m. at City Hall, Council Chambers, 701 East Carson Street, Carson, California. Evidence, both written and oral, was duly presented to and considered by the City Council at the aforesaid meetings. The applicant attended and presented evidence at said public hearings. At the conclusion of the public hearings, the City Council announced its intended decision to modify the decision of the Planning Commission and approve DOR No. 765-01, subject to conditions.

Section 4. The City Council hereby finds that:

a) The subject development plan seeks approval to demolish an existing McDonald's restaurant and construct a new 4,786 square foot drive-thru restaurant. The property is located in the CG-D (Commercial, General, Design Overlay Review) zoned district. The property is surrounded by a private school, retail commercial uses, offices and single-family residential uses. The proposed use and development is consistent with the General Plan, which designates the property for general commercial development. The proposed use is consistent with the surrounding uses, which are primarily retail services and single-family residential.

b) The proposed building will have stucco with red tile finish at the base of all exterior walls. The roofline will consist of two different styles with a red mansard roof over the restaurant and a cornice over the indoor play area and main entryway. The design and architecture of the proposed development conforms to all the applicable design standards of the City of Carson. The design is modern and the site layout will be compatible with the surrounding buildings in the area. Conditions have been included to require compliance with setback and parking requirements. A condition has also been included to instruct the applicant and Planning Division to incorporate revisions to the building elevation facing Avalon Boulevard in order to improve architectural compatibility with anticipated development in the area.

c) The project features standard corporate McDonald's signs on the building, front setback and throughout the drive-through and play areas. Building signs will be located on the northern, southern and western elevations. The applicant proposed to retain the existing pole sign. The Planning Commission added a condition of approval requiring the removal of the pole sign and installation of a monument sign.

d) On September 4, 2002, the City Council Sign Sub-committee reviewed the Planning Commission action to approve DOR No. 765-01 subject to a requirement that the existing pole sign be removed. The City Council Sign Sub-committee recommended that the Planning Commission efforts to require monument signs be supported in order to

e) The following modifications to the Planning Commission decision will ensure compatibility with surrounding uses and consistency with goals and objectives relating to business signs in the commercial zones.

35. Business signs and sign structures shall be permitted in conformance with Section 9136.7 of the Carson Municipal Code and development plans which have been approved pursuant to the Site Plan and Design Review procedures (including the number of signs and sign structures to be permitted) as provided in Section 9172.23. A sign program shall be approved by the Planning Division prior to the issuance of a building permit.

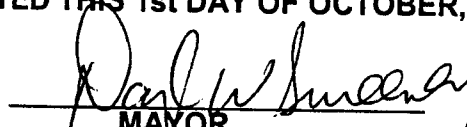
36. The applicant shall remove the existing pole sign within two years of this authorization. A monument sign may be constructed in compliance with the approved sign program and provisions of Section 9136.7 of the Carson Municipal Code.

37. The applicant shall modify the final site plan to identify the location of a future monument sign. Electrical wiring and other related improvements shall be provided during the construction of the restaurant building as deemed reasonable to facilitate the installation of a monument sign.



Section 5. Based on the foregoing, the City Council hereby modifies the decision of the Planning Commission and approves Design Overlay Review No. 765-01 with respect to the property described in Section 1 hereof, subject to the conditions set forth in Exhibit "B" as modified in Section 4, Paragraph E of this Resolution.

PASSED, APPROVED AND ADOPTED THIS 1st DAY OF OCTOBER, 2002.


MAYOR

ATTEST:


CITY CLERK

APPROVED AS TO FORM:


CITY ATTORNEY

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss.
CITY OF CARSON)

I, Helen S. Kawagoe, City Clerk of the City of Carson, California, do hereby certify that the whole number of members of the City Council is four; that the foregoing resolution, being Resolution No. 02-134 as duly and regularly adopted by said Council at a regular meeting duly and regularly held on the 1st day of October, 2002, and that the same was passed and adopted by the following vote:

AYES:	COUNCIL MEMBERS:	Mayor Sweeney and Frank
NOES:	COUNCIL MEMBERS:	Dear
ABSTAIN:	COUNCIL MEMBERS:	Calas
ABSENT:	COUNCIL MEMBERS:	None



City Clerk, City of Carson, California

Exhibit "A"
Legal Description



THE LAND REFERRED TO HEREIN IS SITUATED IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

PARCEL 1:

THE SOUTH 200 FEET OF THE NORTH 270 FEET OF LOT 36 OF TRACT 2982, IN THE CITY OF CARSON, AS PER MAP RECORDED IN BOOK 35, PAGE 31 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPT THEREFROM ANY PORTION LYING WITHIN THE LINES OF TRACT 26121, AS PER MAP RECORDED IN BOOK 682 PAGE 100 OF MAPS.

ALSO EXCEPT THEREFROM THAT PORTION OF SAID LAND DESIGNATED AS PARCEL NO 19-43 IN THE FINAL DECREE OF CONDEMNATION, ENTERED IN SUPERIOR COURT, LOS ANGELES COUNTY, CASE NO. 860106, A CERTIFIED COPY OF WHICH WAS RECORDED ON OCTOBER 22, 1968 AS INSTRUMENT NO. 3368 IN BOOK D-4171 PAGE 746, OFFICIAL RECORDS OF SAID COUNTY.

ALSO EXCEPT THEREFROM ALL OIL, GAS, MINERALS AND OTHER HYDROCARBON SUBSTANCES IN AND UNDER SAID LAND LYING BELOW A DEPTH OF 500 FEET FROM THE SURFACE THEREOF; BUT WITH NO RIGHT OF SURFACE ENTRY, AS PROVIDED IN THE DEED RECORDED APRIL 28, 1961 AS INSTRUMENT NO 2315 IN BOOK D-1204 PAGE 565, OFFICIAL RECORDS.

SAID LAND IS SHOWN AS A PORTION OF PARCEL 1 OF PARCEL MAP NO. 1686, IN THE CITY OF CARSON, AS PER MAP FILED IN BOOK 25, PAGE 78 OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

PARCEL 2:

LOT 36 AND THE NORTHERLY 14.91 FEET OF LOT 35, BOTH OF TRACT 2982, IN THE CITY OF CARSON, AS PER MAP RECORDED IN BOOK 35 PAGE 31 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPT THEREFROM THE NORTHERLY 270 FEET OF SAID LOT 36.

ALSO EXCEPT THEREFROM ANY PORTION LYING WITHIN THE LINES OF TRACT 26121, AS PER MAP RECORDED IN BOOK 682 PAGE 100 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

ALSO EXCEPT THEREFROM THAT PORTION OF SAID LAND DESIGNATED AS PARCEL NO. 19-43, IN THE FINAL DECREE OF CONDEMNATION ENTERED IN SUPERIOR COURT, LOS ANGELES COUNTY, CASE NO. 860106, A CERTIFIED COPY WHICH WAS RECORDED ON OCTOBER 22, 1968 AS INSTRUMENT NO. 3368 IN BOOK D4171 PAGE 746, OFFICIAL RECORDS OF SAID COUNTY.

ALSO EXCEPT THEREFROM THAT PORTION OF SAID LAND WITHIN THE WEST 15 FEET OF SAID LOTS 36 AND 35, AN INTEREST WHICH PASSED TO THE COUNTY OF LOS ANGELES, BY THE FINAL DECREE OF CONDEMNATION ABOVE REFERRED TO. SAID PARCEL IS ALSO SHOWN AS PARCEL 2 OF PARCEL MAP 1636, RECORDED IN BOOK 25 PAGE 78 OF PARCEL MAPS.



CITY OF CARSON
EXHIBIT "B"
CONDITIONS OF APPROVAL
DESIGN OVERLAY REVIEW NO. 765-01

GENERAL CONDITIONS

1. If Design Overlay Review No. 765-01 is not used within one year of its effective date, said permit shall be declared null and void unless an extension of time is previously approved by the Planning Commission.
2. The applicant shall comply with all city, county, state and federal regulations applicable to this project.
3. The applicant shall make any necessary site plan and design revisions to the site plan and elevations approved by the Planning Commission as Exhibits "C-1" and "D-1" respectively in order to comply with all the conditions of approval and applicable Zoning Ordinance provisions. Substantial revisions will require review by the Planning Commission.
4. The applicant shall make any necessary site plan and design revisions in order to comply with all the conditions of approval and applicable Zoning Ordinance provisions. Substantial changes will require review by the Planning Commission.
5. The applicant and property owner shall sign an Affidavit of Acceptance form and submit the document to the Planning Division within 30 days of receipt of the Planning Commission Resolution.
6. It is further made a condition of this approval that if any condition is violated or if any law, statute or ordinance is violated, the permit shall lapse, provided the applicant has been given written notice to cease such violation and has failed to do so for a period of thirty days.
7. All buildings, grounds, parking areas and landscaping shall be maintained in a neat and orderly manner at all times.
8. The applicant shall submit two complete sets of plans that conform to all the Conditions of Approval to be reviewed and approved by the Planning Division prior to the issuance of a building permit.
9. Within forty-eight hours of approval of the subject project, the applicant shall deliver to the Development Services Division a cashier's check or money order payable to the County Clerk in the amount of \$25.00 (twenty-five dollars) pursuant to AB 3185, Chapter 1706, Statutes of 1990, to enable the city to file the Notice of Determination required under Public Resources Code Section 21152 and 14 California. Code of



Regulations 15075. If within such forty-eight hour period the applicant has not delivered to the Planning Division the above-noted cashier's check or money order, the approval for the project granted herein may be considered automatically null and void.

10. In addition, should the Department of Fish and Game reject the Certificate of Fee Exemption filed with the Notice of Determination and require payment of fees, the applicant shall deliver to the Planning Division, within forty-eight hours of notification, a cashier's check or money order payable to the County Clerk in the amount of \$1,250 (one thousand two hundred fifty dollars) pursuant to AB 3158, Chapter 1706, Statutes of 1990. If this fee is imposed, the subject project shall not be operative, vested or final unless and until the fee is paid.
11. Decision of the Planning Commission shall become effective and final 15 days after the date of its action unless an appeal is filed in accordance with Section 9173.4 of the Zoning Ordinance.
12. A modification of the conditions of this permit, including additions or deletions, may be considered upon filing of an application by the owner of the subject property or his/her authorized representative in accordance with Section 9173.1 of the Zoning Ordinance.
13. Should the need arise to hire new employees, the applicant shall contact the Carson Job Clearing House, (310) 952-1737, Extension 1118, for consideration of qualified applicants.
14. The applicant shall merge the two lots into one lot and obtain approval of a lot merger prior to the issuance of a Certificate of Occupancy.

PARKING

15. The required parking shall meet all applicable standards as outlined in Part 6, Division 2 of the Carson Zoning Ordinance.
16. All parking areas and driveways shall remain clear. No encroachment into parking areas and/or driveways shall be permitted.
17. Parking spaces shall be identified (marked) as provided in Section 9162.56 of the Zoning Ordinance.
18. Parking spaces shall be provided with perimeter guards as provided in Section 9162.55 of the Zoning Ordinance.
19. All areas used for the movement parking, loading, repair or storage of vehicles shall be paved with either
 - a. Concrete or asphaltic concrete to a minimum thickness of three and one-half inches over four inches of crushed aggregate base; or
 - b. Other surfacing material which, in the opinion of the Director of Engineering Services, provides equivalent life, service and appearance.

20. Compact spaces shall be properly designated pursuant to Section 9162.43 of the Zoning Ordinance.
21. Parking for handicapped shall comply with the requirements of Section 9162.42 of the Zoning Ordinance.
22. The site plan shall be amended to correctly reflect the required number of handicapped parking spaces.

LANDSCAPING/IRRIGATION

23. The applicant shall submit two sets of landscaping and irrigation plans drawn, stamped, and signed by a licensed landscape architect. Such plans are to be approved by the Development Services Division prior to the issuance of any building permit.
24. The applicant shall comply with the provisions of Section 9168 of the Zoning Ordinance, "Water Efficient Landscaping."
25. 6" x 6" concrete curbs are required around all landscaped planter areas.
26. Landscaping shall be provided with a permanently installed, automatic irrigation system and operated by an electrically timed controller station set for early morning or late evening irrigation.
27. The applicant shall provide a minimum of 10 feet of landscaping along the front-yard setback.

GRAFFITI LANDSCAPING

28. The applicant shall incorporate additional landscaping to screen and block specific project areas that could be subject, as determined by the Planning Division, to graffiti.
29. Graffiti shall be removed from all project areas within 3 days of written notification by the City of Carson. Should the graffiti problem persist more than twice in any calendar year, the matter may be brought before the Planning Commission for review and further consideration of site modifications (i.e., fencing, landscaping, chemical treatment, etc.)

UTILITIES

30. All utilities and aboveground equipment shall be constructed and located pursuant to Section 9136.8 of the Zoning Ordinance, unless otherwise provided for in these conditions.
31. All roof-mounted equipment shall be screened from public view or incorporated into the design of the structure or building.

32. All utility meters will be painted the same color as the structures to reduce visibility (the Gas Company will not allow meters to be placed in boxes).

AESTHETICS

33. The elevation of the building along Avalon Boulevard shall be redesigned subject to approval by the Planning Division.
34. The specification of all colors and materials must be submitted and approved by the Planning Division prior to the issuance of any building permits.

SIGNS

35. Business signs and sign structures shall be permitted in conformance with Section 9136.7 of the Carson Municipal Code and development plans which have been approved pursuant to the Site Plan and Design Review procedures (including the number of signs and sign structures to be permitted) as provided in Section 9172.23. A sign program shall be approved by the Planning Division prior to the issuance of a building permit.
36. The applicant shall remove the existing pole sign within two years of this authorization. A monument sign may be constructed in compliance with the approved sign program and provisions of Section 9136.7 of the Carson Municipal Code.
37. The applicant shall modify the final site plan to identify the location of a future monument sign. Electrical wiring and other related improvements shall be provided during the construction of the restaurant building as deemed reasonable to facilitate the installation of a monument sign.

FENCES/WALLS

38. Perimeter walls shall be architecturally coordinated with the project buildings and subject to the approval of the Planning Division.
39. All fences, walls and hedges shall be located and constructed in compliance with the standards as provided for in Section 9136.3 (commercial zones) of the Zoning Ordinance.

LIGHTING

40. All exterior lighting shall be provided in compliance with the standards as provided for in Section 9137.1 (commercial zones) of the Zoning Ordinance.

NOISE

41. The drive-through menu and order board with speaker shall be oriented parallel to the property line to ensure noise impacts are reduced upon adjacent properties to the east.

TRASH

42. The trash enclosure(s) shall be located on a four-inch concrete pad screened by a six-foot high decorative concrete block wall that is compatible with the architectural design of the main building. Trash enclosure design is to be approved by the Planning Division prior to issuance of any building permit(s). Vine planting is required around all walls of the trash enclosure except for the gate.

FIRE DEPARTMENT - COUNTY OF LOS ANGELES

43. Provide Fire Department and City approved building address numbers prior to occupancy.
44. The required fire flow for public fire hydrants at this location is 1750 gallons per minute at 20 psi for a duration of 2 hours, over and above maximum daily domestic demand.
45. All hydrants shall measure 6" x 4" x 2-1/2" brass or bronze, conforming to current AWWA standard C503 or approved equal. All hydrants shall be installed a minimum of 25' from a structure or protected by a two hour firewall. Location as per map on file with this office.
46. All required fire hydrants shall be installed, tested and accepted prior to construction. Vehicular access must be provided and maintained serviceable throughout construction.

PUBLIC SAFETY - CITY OF CARSON

47. Ensure compliance with current seismic mitigation codes.
48. Where practical, surface treatments, accessibility or landscaping strategies should work to deter graffiti. Stucco or cinder block walls, with access to the public, should be set back or landscaped in such a way as to deter graffiti.

ENGINEERING SERVICES DEPARTMENT - CITY OF CARSON

49. The medians on Avalon Boulevard shall be modified to be consistent with any new proposed driveway locations subject to approval by the City Engineer.
50. The applicant shall repair any broken or damaged sidewalk, curb and gutter.
51. The applicant shall install any missing street trees along Avalon Boulevard.
52. The applicant shall obtain a construction permit for any work to be done in the public right of way.



53. The applicant shall comply with the applicable SUSMP requirements and shall incorporate into the project plan a Storm Water Mitigation Plan which includes those Best Management Practices necessary to control storm water pollution from construction activities and subsequent facility operations.
54. All infrastructure necessary to serve the proposed development (water, and sewer improvements) shall be in operation prior to the issuance of the Certificate of Occupancy.
55. Prior to issuance of a Building Permit, the following must be on file:
- a. Construction bond as required for all work to be done within the public right of way.
 - b. Proof of Worker's Compensation and Liability Insurance.
56. Any improvement damaged during the construction shall be removed and reconstructed per City standards and to the satisfaction of the City Engineer.

BUSINESS LICENSE DEPARTMENT - CITY OF CARSON

57. Per section 6310 of the Carson Municipal Code, all parties involved in the project, including but not limited to contractors and subcontractors, will need to obtain a City Business License.



RESOLUTION NO. 13-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, AFFIRMING THE DECISION OF THE PLANNING COMMISSION APPROVAL OF MODIFICATION NO. 1 TO CONDITIONAL USE PERMIT NO. 825-10 TO ALLOW INSTALLATION OF A 17-FOOT-HIGH POLE SIGN IN LIEU OF A MONUMENT SIGN

THE CITY COUNCIL OF THE CITY OF CARSON HEREBY FINDS, RESOLVES, AND ORDERS AS FOLLOWS:

Section 1. On February 12, 2013, the Planning Commission acted to amend Resolution No. 10-2333 on a 4-3 vote (one absent) by approving Modification No. 1 to Conditional Use Permit (CUP) No. 825-10 to eliminate a monument sign indicated on the approved plans and authorize a 17-foot-high pole sign for the property located at 1209 East Carson Street.

Section 2. On February 26, 2013, an appeal was filed by Councilmember Gipson pursuant to the requirements of Carson Municipal Code (CMC) Section 9173.4.

Section 3. A public hearing was duly held on March 19, 2013 at Carson City Hall, Council Chambers, 701 East Carson Street, Carson, California. Notice of the time, place, and purpose of the aforesaid meetings was duly given in accordance with law. Evidence, both written and oral, was duly presented to and considered by the City Council at the said hearing.

Section 4. The City Council hereby finds that:

- a) The General Plan designates the property as General Commercial which is compatible with the proposed use.
- b) The subject property is 0.34 acres, relatively flat and adequate in size, shape, topography, location and other factors to accommodate the proposed pole sign.
- c) On August 20, 2010, the Planning Commission approved CUP No. 825-10, subject to conditions of approval, to allow Rick's Lube and Tune & Brakes to operate its vehicle service and repair business within 100 feet of the adjacent residential condominiums and denied Variance No. 517-10 to reduce the required front yard landscape setback from 10 feet to 5 feet.
- d) On November 3, 2010, the City Council affirmed the Planning Commission's decision set forth in Resolution 10-2333 which granted CUP No. 825-10, subject to conditions of approval, and denied Variance No. 517-10. The development plan considered by the Planning Commission and City Council included a proposed monument sign located within the landscape setback at the corner of the subject property.
- e) The subject site is 15,000 square feet in area and located within a commercial zone. Carson Municipal Code Section 9136.7 allows monument signs up to 10-

[MORE]

EXHIBIT NO. 10



feet in height and pole signs up to 30-feet in height within commercial zones subject to approval of a development plan in compliance with CMC Section 9172.23.

- f) The subject site is a corner lot with approximately 210 linear feet of street frontage along Carson Street and Perry Street combined. The building is located to the rear of the property. There is adequate visibility to passing motorists and potential customers traveling eastbound to see the building. The visibility for westbound traffic is somewhat impaired due to adjacent landscape and buildings. The property would benefit from a business sign located in the front landscape setback.
- g) The business operator testified that the 17-foot-high pole sign is needed to minimize potential graffiti that could occur on a monument sign and provide visibility to current and potential customers. The subject property is located at the edge of the commercial district near the civic center. A monument sign would generally be preferred however the location of the subject property would allow for consideration of either a monument or a pole sign. A pole sign at the southwest corner of Carson Street and Perry Street would be acceptable and would not significantly alter the city policy to promote monument signs.

Section 5. Based on the aforementioned findings, the City Council hereby affirms the Planning Commission decision set forth in amended Resolution No. 10-2333 which grants Modification No. 1 to Conditional Use Permit No. 825-10, with respect to the property described in Exhibit "A" attached herewith, and subject to the conditions set forth in Exhibit "B" attached hereto;

Section 6. The City Clerk shall certify to the adoption of the Resolution.

PASSED, APPROVED and ADOPTED this 19th day of March, 2013.

Mayor Jim Dear

ATTEST:

City Clerk, Donesia L. Gause, CMC

APPROVED AS TO FORM:

City Attorney

**CITY OF CARSON
CITY COUNCIL
EXHIBIT "A"
LEGAL DESCRIPTION
MODIFICATION NO. 1 TO CONDITIONAL USE PERMIT NO. 825-10;**

Property Address: 1209 East Carson Street

Parcel Identification Number: 7327-005-015

Existing Parcels:

This Portion of Lot 33 of Tract No. 4045, in the City of Carson, County of Los Angeles, State of California as per Map recorded in Book 44, Pages 39-41 of Maps, in the Office of the County Recorder of Said County.

CITY OF CARSON

CITY COUNCIL

EXHIBIT "B"

CONDITIONS OF APPROVAL

MODIFICATION NO. 1 TO CONDITIONAL USE PERMIT NO. 825-10

GENERAL CONDITIONS

1. If Modification No. 1 to Conditional Use Permit No. 825-10 is not used within one year of its effective date, said permit shall be declared null and void unless an extension of time is previously approved by the Planning Commission.
2. The applicant shall comply with all city, county, state and federal regulations applicable to this project.
3. The applicant shall make any necessary site plan and design revisions to the site plan and elevations approved by the Planning Commission in order to comply with all the conditions of approval and applicable Zoning Ordinance provisions. Substantial revisions will require review and approval by the Planning Commission.
4. The applicant shall submit two complete sets of plans that conform to all the Conditions of Approval to be reviewed and approved by the Planning Division prior to the issuance of a building permit.
5. The applicant and property owner shall sign an Affidavit of Acceptance form and submit the document to the Planning Division within 30 days of receipt of the Planning Commission Resolution.
6. It is further made a condition of this approval that if any condition is violated or if any law, statute, or ordinance is violated, this permit may be revoked by the Planning Commission or City Council, as may be applicable; provided the applicant has been given written notice to cease such violation and has failed to do so for a period of thirty days.

7. The Applicant shall defend, indemnify and hold harmless the City of Carson, its agents, officers, or employees from any claims, damages, action, or proceedings against the City or its agents, officers, or employees to attack, set aside, void or annul, an approval of the City, its advisory agencies, appeal boards, or legislative body concerning Conditional Use Permit No. 898-12. The City will promptly notify the Applicant of any such claim, action, or proceeding against the City and the Applicant will either undertake defense of the matter and pay the City's associated legal costs or will advance funds to pay for defense of the matter by the City Attorney. The City will cooperate fully in the defense. Notwithstanding the foregoing, the City retains the right to settle or abandon the matter without the Applicant's consent but should it do so, the City shall waive the indemnification herein, except, the City's decision to settle or abandon a matter following an adverse judgment or failure to appeal, shall not cause a waiver of the indemnification rights herein.

BUILDING & SAFETY

8. All building improvements shall comply with City of Carson Building and & Safety Division requirements. The applicant shall obtain a building permit for the 17-foot pole sign.

FIRE DEPARTMENT - COUNTY OF LOS ANGELES

9. There shall be no storage allowed within any required building setback yard area to promote fire safety.

BUSINESS LICENSE DEPARTMENT - CITY OF CARSON

10. Per section 6310 of the Carson Municipal Code, all parties involved in the project, including but not limited to contractors and subcontractors, will need to obtain a City Business License.

RESOLUTION NO. 13-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, DENYING THE DECISION OF THE PLANNING COMMISSION APPROVAL OF MODIFICATION NO. 1 TO CONDITIONAL USE PERMIT NO. 825-10 TO ALLOW INSTALLATION OF A SEVENTEEN-FOOT-HIGH POLE SIGN IN LIEU OF A MONUMENT SIGN

THE CITY COUNCIL OF THE CITY OF CARSON HEREBY FINDS, RESOLVES, AND ORDERS AS FOLLOWS:

Section 1. On February 12, 2013, the Planning Commission acted to amend Resolution No. 10-2333 on a 4-3 vote (one absent) by approving Modification No. 1 to Conditional Use Permit (CUP) No. 825-10 to eliminate a monument sign indicated on the approved plans and authorize a 17-foot-high pole sign for the property located at 1209 East Carson Street.

Section 2. On February 26, 2013, an appeal was filed by Councilmember Gipson pursuant to the requirements of Carson Municipal Code (CMC) Section 9173.4.

Section 3. A public hearing was duly held on March 19, 2013 at Carson City Hall, Council Chambers, 701 East Carson Street, Carson, California. Notice of the time, place, and purpose of the aforesaid meetings was duly given in accordance with law. Evidence, both written and oral, was duly presented to and considered by the City Council at the said hearing.

Section 4. The City Council hereby finds that:

- a) The General Plan designates the property as General Commercial which is compatible with the proposed use.
- b) The subject property is 0.34 acres, relatively flat and adequate in size, shape, topography, location and other factors to accommodate the proposed pole sign.
- c) The subject site is 15,000 square feet in area and located within a commercial zone. Carson Municipal Code Section 9136.7 allows monument signs up to 10-feet in height and pole signs up to 30-feet in height within commercial zones subject to approval of a development plan in compliance with CMC Section 9172.23 (Site Plan and Design Review).
- d) The subject site is a corner lot with approximately 210 linear feet of street frontage along Carson Street and Perry Street combined. The building is located to the rear of the property. There is adequate visibility of the building to passing motorists traveling eastbound. The building visibility for westbound traffic is impaired due to landscape and buildings located on adjacent properties. The business would benefit from increased visibility if a business sign is located in the front landscape setback.

[MORE]

EXHIBIT NO. 11



- e) The applicant testified before the Planning Commission that either a monument sign or pole sign could be provided at the subject property. The applicant expressed a preference for a pole sign due to an interest to increase visibility and concern with potential graffiti on monument signs. A monument sign up to ten feet in height can be approved subject to CMC Section 9136.7. There is no substantial circumstance associated with the subject property that would materially change the visibility to a monument sign versus a 17-foot-high pole sign.
- f) There has been a consistent policy to promote the use of monument signs as a means of promoting compatibility and improved design standards within commercial districts. A monument sign at the subject property would be consistent and compatible with existing and anticipated development within the surrounding area.

Section 5. Based on the aforementioned findings, the City Council hereby denies the Planning Commission decision set forth in Modification No. 1 to Conditional Use Permit No. 825-10 and amended Resolution No. 10-2333, with respect to the property described in Exhibit "A" attached herewith, and subject to the conditions set forth in Exhibit "B" attached hereto;

Section 6. The City Clerk shall certify to the adoption of the Resolution.

PASSED, APPROVED and ADOPTED this 19th day of March, 2013.

Mayor Jim Dear

ATTEST:

City Clerk, Donesia L. Gause, CMC

APPROVED AS TO FORM:

City Attorney

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CITY OF CARSON
CITY COUNCIL
EXHIBIT "A"
LEGAL DESCRIPTION
MODIFICATION NO. 1 TO CONDITIONAL USE PERMIT NO. 825-10;

Property Address: 1209 East Carson Street

Parcel Identification Number: 7327-005-015

Existing Parcels:

This Portion of Lot 33 of Tract No. 4045, in the City of Carson, County of Los Angeles, State of California as per Map recorded in Book 44, Pages 39-41 of Maps, in the Office of the County Recorder of Said County.

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CITY OF CARSON

CITY COUNCIL

EXHIBIT "B"

CONDITIONS OF APPROVAL

MODIFICATION NO. 1 TO CONDITIONAL USE PERMIT NO. 825-10

GENERAL CONDITIONS

1. If Modification No. 1 to Conditional Use Permit No. 825-10 is not used within one year of its effective date, said permit shall be declared null and void unless an extension of time is previously approved by the Planning Commission.
2. The applicant shall comply with all city, county, state and federal regulations applicable to this project.
3. The applicant shall make any necessary site plan and design revisions to the site plan and elevations approved by the Planning Commission in order to comply with all the conditions of approval and applicable Zoning Ordinance provisions. Substantial revisions will require review and approval by the Planning Commission.
4. The applicant shall submit two complete sets of plans that conform to all the Conditions of Approval to be reviewed and approved by the Planning Division prior to the issuance of a building permit.
5. The applicant and property owner shall sign an Affidavit of Acceptance form and submit the document to the Planning Division within 30 days of receipt of the Planning Commission Resolution.
6. It is further made a condition of this approval that if any condition is violated or if any law, statute, or ordinance is violated, this permit may be revoked by the Planning Commission or City Council, as may be applicable; provided the applicant has been given written notice to cease such violation and has failed to do so for a period of thirty days.
7. The Applicant shall defend, indemnify and hold harmless the City of Carson, its agents, officers, or employees from any claims, damages, action, or proceedings against the City or its agents, officers, or employees to attack, set aside, void or

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annul, an approval of the City, its advisory agencies, appeal boards, or legislative body concerning Conditional Use Permit No. 898-12. The City will promptly notify the Applicant of any such claim, action, or proceeding against the City and the Applicant will either undertake defense of the matter and pay the City's associated legal costs or will advance funds to pay for defense of the matter by the City Attorney. The City will cooperate fully in the defense. Notwithstanding the foregoing, the City retains the right to settle or abandon the matter without the Applicant's consent but should it do so, the City shall waive the indemnification herein, except, the City's decision to settle or abandon a matter following an adverse judgment or failure to appeal, shall not cause a waiver of the indemnification rights herein.

BUILDING & SAFETY

8. All building improvements shall comply with City of Carson Building and & Safety Division requirements. The applicant shall obtain a building permit for the 17-foot pole sign.

FIRE DEPARTMENT - COUNTY OF LOS ANGELES

9. There shall be no storage allowed within any required building setback yard area to promote fire safety.

BUSINESS LICENSE DEPARTMENT - CITY OF CARSON

10. Per section 6310 of the Carson Municipal Code, all parties involved in the project, including but not limited to contractors and subcontractors, will need to obtain a City Business License.