

**AGENDA
CITY OF CARSON
PLANNING COMMISSION REGULAR MEETING
CITY COUNCIL CHAMBERS
CARSON, CALIFORNIA 90745**

SEPTEMBER 9, 2008 – 6:30 P.M.

1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL** Planning Commissioners: Cannon, Faletogo, Graber, Saenz, Verrett
4. **AGENDA POSTING CERTIFICATION** Resolution No. 08-221*
5. **AGENDA APPROVAL**
6. **INSTRUCTIONS TO WITNESSES** Chairman Faletogo requests that all persons wishing to provide testimony stand for the oath, complete the general information card at the podium, and submit it to the secretary for recordation.
7. **SWEARING OF WITNESSES** Assistant City Attorney Galante
8. **ORAL COMMUNICATIONS** For items **NOT** on the agenda. Speakers are limited to three minutes.
9. **CONSENT CALENDAR**
 - A) **Minutes:** None

10. **NEW BUSINESS CONSENT**
 - A) **Selection of Planning Commission Chair and Vice-Chair**

11. **CONTINUED PUBLIC HEARING** None

12. **PUBLIC HEARING**
 - A) **Design Overlay Review No. 1282-08**

Applicant: Fernando Hernandez
1242 N. Avalon Boulevard
Wilmington, CA 90744

Request: To construct two 2-story office buildings with approximately 10,661 square feet of total building area located in the MU-SB (Mixed Use Sepulveda

Boulevard) zone district and within the Merged and Amended Redevelopment Project Area.

Property Involved: 440 E. Sepulveda Boulevard

ZG Staff Recommendation: Adopt the resolution

B) Conditional Use Permit No. 705-08

Applicant: Jim Tulk
2712 E. Van Buren Street
Carson, CA 90810

Request: To authorize the construction of a 284-square-foot storage area and laundry room to an existing 545-square-foot detached garage/accessory structure.

Property Involved: 2712 E. Van Buren Street

SN Staff Recommendation: Approve the CUP and adopt the resolution

C) Design Overlay Review No. 1272-08 and Conditional Use Permit No. 701-08

Applicant/Representative: Mr. Mario Anastasio
5129 Minturn Avenue
Lakewood, CA 90712

Request: Demolish an existing 1,256-square-foot single-family residence and construct a new 2,701-square-foot two-story single-family residence with a two (2) car garage. Issue a conditional use permit for a 1,091-square-foot existing non-conforming accessory living quarter.

Property Involved: 21324 S. Perry Street

SS Staff Recommendation: Approve the DOR and adopt the resolution

13. NEW BUSINESS DISCUSSION

A) Workshop to Discuss Imposing Possible Residency, Time and Distance Requirements on Registered Sex Offenders

Applicant: City of Carson

Request: Discuss and consider the establishment of an ordinance to regulate the potential for over-concentrations of paroled, registered sex offenders.

Properties Involved: Citywide

Staff Recommendation: Consider and discuss the draft ordinance; and direct staff to revise or finalize the draft ordinance to establish residence and loitering restrictions for sex offenders within the city of Carson

SS

13.

B) Modification No. 9 to Design Overlay Review No. 831-03

Applicant: Sharron King, General Growth Properties

Request: Relocation of the Farmers' Market to the South Bay Pavilion

Property Involved: 20700 S. Avalon Boulevard

Staff Recommendation: Approve Modification No. 9 to Design Overlay Review No. 831-03 and adopt the resolution.

JS

13.

C) Workshop Regarding Garage Conversions

Applicant: City Of Carson

Request: Discuss and consider the legalization of garage conversions

Properties Involved: Citywide

- Staff Recommendation: Consider and discuss the information provided for in this workshop; receive and file.

JS

14. WRITTEN COMMUNICATIONS

15. MANAGER'S REPORT

16. COMMISSIONERS' REPORTS

17. ADJOURNMENT

Upcoming Meetings

September 23, 2008

October 14, 2008

October 28, 2008

Planning Commission Agenda available at <http://ci.carson.ca.us>

For further information, call (310) 952-1761, ext. 1328.



CITY OF CARSON

PLANNING COMMISSION STAFF REPORT

PUBLIC HEARING: September 9, 2008

SUBJECT: Design Overlay Review No. 1282-08

APPLICANT: Fernando Hernandez
1242 N. Avalon Boulevard
Wilmington, CA 90744

REQUEST: To construct two 2-story office buildings with approximately 10,661 square feet of total building area located in the MU-SB (Mixed Use Sepulveda Boulevard) zone district and within the Merged and Amended Redevelopment Project Area

PROPERTY INVOLVED: 440 E. Sepulveda Boulevard

COMMISSION ACTION

- Concurred with staff
- Did not concur with staff
- Other

COMMISSIONERS' VOTE

AYE	NO		AYE	NO	
		Chairman Faletogo			Saenz
		Cannon			Verrett
		Graber			

I. Introduction

Date Application Received

- July 24, 2008 : Design Overlay Review No. 1282-08

Applicant and Property Owner

- Fernando Hernandez, 1242 N. Avalon Boulevard, Wilmington, CA 90744

Project Address

- 440 E. Sepulveda Boulevard, Carson, CA 90745

Project Description

- Proposed two 2-story office buildings with approximately 8,726 square feet of office space and two 3-car garages totaling approximately 1,935 square feet. The total building area is 10,661 square feet. The lot size is 18,300 square feet.
- The application includes the following:
 - Design Overlay Review No. 1282-08 for the approval of two office buildings with approximately 8,726 square feet of office space.

II. Background

Current Use of Property

- The property is currently vacant.

Previous Uses

- The property was previously used as an auto repair shop in the 1980's. In 1982 the Los Angeles County Department of Engineer Facilities issued an "Industrial Wastewater Discharge Permit No. 9375 for the disposal of wastes from cleaning automotive radiators. In 1993 the City issued a demolition permit for a wood building. There is no record of a Phase I soils report for this property, however, the City's Engineering Division is requiring a soils report as a condition of approval.

Previously Approved Discretionary Permits

- There is no history of previously approved discretionary permits on this property.



Public Safety Issues

- The subject property is vacant and there is no zoning code enforcement cases associated with this property.

III. Analysis

Location/Site Characteristics/Existing Development

- The subject property is located at 440 E. Sepulveda Boulevard.
- Commercial and residential uses surround the subject property. Single-family homes are located to the south across an alley and to the north across Sepulveda Boulevard. A bar and grill is located to the east. Other commercial uses are located to the west.
- The lot area is approximately 18,300 square feet and is currently vacant. The proposed two story office buildings with Mediterranean architectural design will be owner occupied with real estate related offices in one building and leased tenant space in the second building. Building 1 will have a first floor of 3,081 square feet (three offices) and a second floor of 2,995 square feet (two offices) totaling 6,076 square feet. Building 2 will have a first floor of 1,378 square feet (two offices) and a second floor of 1,272 square feet (two offices) totaling 2,650 square feet. A three-car garage is also proposed for each building with 12-foot high automatic role up doors. Signage will be submitted at a later date.
- The project site plan includes 30 parking spaces which comply with Section No. 9162.21.C.8 of the Carson Municipal Code (CMC). The required parking is 29 spaces based on 1 space per each 300 square feet of gross floor area. The site plan identifies two 3-car garages with 12-foot high roll-up doors. These garages would accommodate work trucks with a height of up to 10 feet, 6 inches and a length of 16 feet. The city Traffic Engineer has determined that the proposed 26 foot back up area from the proposed garage doors would accommodate safe vehicular movements for this project.
- The building has been designed with a Mediterranean façade with red tile roof accents and stucco finish. The planters in front of the buildings and building wall base areas will be finished with complimenting brick to provide an aesthetically-pleasing building on this vacant/blighted by-passed parcel.
- The proposed project is subject to Standard Urban Storm Water Mitigation Plan (SUSMP) requirements. SUSMP requires the subject property to retain and treat the first ¾-inch of storm-water. The project will comply with SUSMP requirements.



- The City's traffic engineer has determined that no significant adverse traffic conditions will result from this project. A right turn only sign will be installed for traffic exiting onto Sepulveda Boulevard.

Zoning/General Plan/Redevelopment Area Designation

- The subject property is zoned MU-SB (Mixed Use – Sepulveda Boulevard) and properties to the east and west share the same zoning. The properties to the north and south are zoned RS (Residential Single Family).
- The subject property has a General Plan Land Use designation of Mixed Use Residential.
- The subject property is within the Amended and Merged Redevelopment Project Area. Redevelopment staff is currently targeting this area for blight removal. The Redevelopment staff has issued a "Request for Proposals" (RFP) to address improving alley access to a 20 foot right-of-way thereby improving safety. Several engineering firms are currently being considered to provide the city with recommendations on necessary land acquisition and alley improvement cost to removal blighted conditions affecting the economic revitalization of this and adjoining properties.

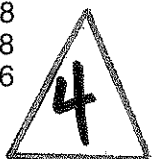
Applicable Zoning Ordinance Regulations

The proposed office buildings are subject to the approval of a development plan in accordance with the Site Plan and Design Review procedures as provided in Section 9172.23.

Required Findings: Site Plan and Design Review

Pursuant to Section 9172.23, Site Plan and Design Review, the Planning Commission may approve the proposal only if the following findings can be made in the affirmative:

1. Compatibility with the General Plan, any specific plans for the area, and surrounding uses.
2. Compatibility of architecture and design with existing and anticipated development in the vicinity, including the aspects of site planning, land coverage, landscaping, appearance and scale of structures and 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 that have been adopted pursuant to Section 9172.15.



All of the required findings pursuant to Section 9172.23(D), "Site Plan and Design Review, Approval Authority and Findings and Decision", can be made in the affirmative. Details can be found in the attached Resolution.

Issues of Concern:

- Issue – Project Aesthetics: Pursuant to Section 9172.23(D), Site Plan and Design Review, Approving Authority Findings and Decision, the project must be harmonious and attractive to the area. Staff is recommending that the applicant enhance the building's façade aesthetics.

Mitigation: To promote an attractive building design, the applicant shall add brick along the base of the building and the proposed planter boxes.

- Issue – Project Safety: Being that rear office access will also be via the alley there is an issue with public safety especially during the evening hours.

Mitigation: To promote public safety the applicant shall provide security sensor lighting and security cameras at the front and rear of the proposed buildings. The lighting and security cameras should deter potential crimes that include graffiti and robberies.

IV. Environmental Review

Pursuant to Title 14 of the California Code of Regulations, Chapter 3, Guidelines for Implementation of the California Environmental Quality Act (CEQA), Article 16 (Categorical Exemptions) the project is deemed categorically exempt under Section 15332 (In-Fill Development Project) and will not result in significant adverse effects on the environment.

V. Recommendation

That the Planning Commission:


WAIVE further reading and **ADOPT** Resolution No. _____, entitled "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON RECOMMENDING APPROVAL OF DESIGN OVERLAY REVIEW NO. 1282-08 TO THE REDEVELOPMENT AGENCY FOR THE CONSTRUCTION OF TWO OFFICE BUILDINGS TOTALING 10,661 SQUARE FEET LOCATED AT 440 E. SEPULVEDA BOULEVARD."



VI. Exhibits

1. Draft Resolution
2. Development Plans

Prepared by: 
Zak González II, Planner

Reviewed by: 
John F. Signo, ATSP, Senior Planner

Approved by: 
Sheri Repp, Planning Manager

DOR No. 1282-08 4



CITY OF CARSON
PLANNING COMMISSION
RESOLUTION NO. 08-

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON
RECOMMENDING APPROVAL OF DESIGN OVERLAY REVIEW NO. 1282-08 TO THE
CARSON REDEVELOPMENT AGENCY**

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

Section 1. An application was duly filed by the applicant, Mr. Fernando Hernandez, with respect to real property located at 440 E. Sepulveda Boulevard and described in Exhibit "A" attached hereto, requesting the approval of Design Overlay Review No. 1282-08, for the development of two office building with approximately 10,661 square feet of total building area located in the MU-SB (Mixed-Use-Sepulveda Boulevard) zone and within the Merged and Amended Redevelopment Project Area.

A public hearing was duly held on September 9, 2008, 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 currently designates the site as Mixed-Use Residential and the zoning designation is MU-SB (Mixed-Use-Sepulveda Boulevard), which allows for the development of office uses. The proposed project is consistent with land use regulations associated with office uses and the proposed development will adhere to the goals and policies described in the Land Use Element of the General Plan. The site is surrounded by residential land uses to the north and south and commercial uses to the east and west.
- B) The design and architecture of the proposed development conforms to all the applicable design and development standards of the Zoning Ordinance. Furthermore, the site has been vacant for many years. The proposed development will serve to enhance the existing blighted area by providing quality design offices that will provide services to the surrounding neighborhoods. As such, the project is compatible with the existing and anticipated development of the area.
- C) Sepulveda Boulevard is major thoroughfare that can accommodate the proposed development. Furthermore, the City's Traffic Engineer has reviewed the proposed project and has determined that the use will not create significant traffic impacts to the area circulation and that adequate street access and traffic capacity exist. The alley behind the property can accommodate the traffic generated by the project.
- D) Signage will be submitted at a later date. All future signage shall comply with the Carson Municipal Code.
- F) Pursuant to the Redevelopment Plan for the Merged and Amended Project Area, future development within such Project Area includes an emphasis on the



project will facilitate the redevelopment of a currently blighted, vacant lot and allow for the development of new office buildings which will provide increased tax revenue, jobs to the community and showcase a new contemporary development. The proposed development is consistent with the general intent of the Redevelopment Plan for the area.

- G) Construction operations will comply with all city, county, and state requirements including best management practices to minimize impacts to adjacent properties.

Section 4. Pursuant to the California Environmental Quality Act (CEQA), Title 14, Chapter 3, Article 19 (Categorical Exemptions) the project is deemed categorically exempt under Section 15332 (In-Fill Development Projects) and is not expected to generate any significant adverse effects on the environment.

Section 5. Based on the aforementioned findings, the Commission hereby recommends approval of Design Overlay Review No. 1282-08 to the Redevelopment Agency with respect to the property described in Section 1 hereof, subject to the conditions set forth in Exhibit "B" attached hereto.

Section 6. The Secretary shall certify the adoption of this 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 9th DAY OF SEPTEMBER 2008.

CHAIRMAN

ATTEST:

SECRETARY



EXHIBIT "A"

05 3201759

PARCEL 1

LOT(S) 29 TO 32 INCLUSIVE OF BLOCK 2 OF FACTORY CENTER TRACT, IN THE CITY OF CARSON, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 23, PAGE(S) 18 AND 19 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY

EXCEPT THAT PORTION OF THE NORTHERLY 25 FEET OF LOTS 29 TO 32 INCLUSIVE BY DEED RECORDED AUGUST 17, 1965 AS INSTRUMENT NO 2549 OF OFFICIAL RECORDS

PARCEL 2

LOTS 33 TO 36 INCLUSIVE OF BLOCK 2 OF FACTORY CENTER TRACT, IN THE CITY OF CARSON, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA AS PER MAP RECORDED IN BOOK 23, PAGES 18 AND 19 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY

EXCEPT THAT PORTION OF THE NORTHERLY 25 FEET OF LOTS 33 TO 36 INCLUSIVE BY FINAL ORDER OF CONDEMNATION RECORDED NOVEMBER 22, 1966 AS INSTRUMENT NO 1823, BOTH OF OFFICIAL RECORDS



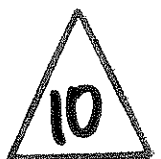
CITY OF CARSON
DEVELOPMENT SERVICES
PLANNING DIVISION
EXHIBIT "B"
CONDITIONS OF APPROVAL
DESIGN OVERLAY REVIEW NO. 1282-08

GENERAL CONDITIONS

1. If a building permit plan check submittal for Design Overlay Review No. 1282-08, is not submitted to the City of Carson 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.

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.

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 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.
5. All buildings, grounds, parking areas and landscaping shall be maintained in a neat and orderly manner at all times.
6. 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.
7. 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.



10. Design Overlay approval is contingent upon the Carson Redevelopment Agency approval. Any change to the abovementioned discretionary permit may require further review by the Planning Commission before such discretionary permits become effective.
11. 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.

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

12. 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 Design Overlay Review No. 1282-08. 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.

PARKING

13. The required parking shall meet all applicable standards as outlined in Part 6, Division 2 of the Carson Zoning Ordinance, as proposed to be amended, Section 9162.21 C (4).
14. All parking areas and driveways shall remain clear. No encroachment into parking areas and/or driveways shall be permitted.
15. Parking spaces shall be provided with perimeter guards as provided in Section 9162.55 of the Zoning Ordinance.
16. All areas used for the movement or parking 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.
- 17. Compact spaces shall be properly designated pursuant to Section 9162.43 of the Zoning Ordinance.
- 18. Parking for handicapped shall comply with the requirements of Section 9162.42 of the Zoning Ordinance. Further, garages shall not be used for storage.

LOT MERGER

- 19. Applicant shall file for lot mergers to create one lot via CMC Sections 9207.26 (Minor Lot Line Adjustments) and or 9207.27 (Merger of Contiguous Parcels). The applicant shall coordinate with the Engineering Division regarding timeline requirements to accomplish the creation of one lot via said CMC sections. In the interim, the applicant shall record a covenant that will prohibit the owner from selling any separate lots during the merger process. Furthermore, the owner shall record a covenant stating that all lots during the merger process shall retain the building architectural and site plan lay-out design approved by the Planning Commission.

LANDSCAPING/IRRIGATION

- 24. The applicant shall submit two sets of landscaping and irrigation plans. Such plans are to be approved by the Planning Division prior to the issuance of any building permit.

Landscaping and irrigation plans shall be stamped and signed by a licensed landscape architect and are to include, but are not limited to:

- a. Annual flowers wherever possible;
 - b. five and one gallon shrubs; and
 - c. flats of ground cover planted 8-inches on center.
- 25. The applicant shall comply with the provisions of Section 9168 of the Zoning Ordinance, "Water Efficient Landscaping."
 - 26. 6" x 6" concrete curbs are required around all landscaped planter areas.
 - 27. 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.

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 9126.8 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. Texture treatment (such as rough stucco, sandblasting, etc.) shall be incorporated into all new building facades, subject to Planning Division approval.
34. Down spouts shall be architecturally integrated into the structure to the satisfaction of the Director.
35. All trash and inoperable vehicles shall be removed prior to the issuance of a building permit. The subject property shall be maintained at all times to present an attractive appearance to the satisfaction of the Planning Division.
36. There shall be no substantial deviation of architectural design or details from the approved set of plans. Any alteration shall be first approved by the Director of the Planning Division.
37. Site plan shall incorporate bike racks and decorative litter receptacles at various locations in the parking and walkway areas.
38. Existing retail structure pillars shall be repainted.

SIGNS

39. A sign program shall be approved in connection with this project by the Planning Commission prior to the issuance of a building permit(s). The sign program shall



detail all signs to be erected including location, size, type, materials, etc. All signs shall be subject to the review and approval of the Planning Division.

40. Business signs and sign structures shall be permitted in conformance with 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.
41. All permitted business signs must be in compliance with the provisions of Sections 9136.7 and 9146.7 of the Zoning Ordinance.

LIGHTING

42. All exterior lighting shall be provided in compliance with the standards as provided for in Section 9137.1 of the Zoning Ordinance.

BUSINESS LICENSE DIVISION

43. 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.

ENGINEERING SERVICES DIVISION- CITY OF CARSON

The Developer shall submit a copy of **approved** Grading plans on bond paper to the City of Carson – Engineering Division, prior to issuance of grading permits.

44. The Developer shall submit a copy of **approved** plans on mylars (*such as, Sewer, Street and/or Storm Drain Improvements, whichever applies*), to the City of Carson – Engineering Division, prior to issuance of construction permits.
45. On-site base, paving, curb and gutters are subject to inspection by Public Works Inspectors. Permit shall be obtained from City of Carson Engineering Services.
46. Any improvements damaged during the construction shall be removed and reconstructed per City of Carson Standard plan and to the satisfaction of the City Engineer.
47. A construction permit is required for any work to be done in the public right-of-way.

Prior to issuance of **Building Permit**, the proposed development is subject to the following:

48. Soils report, sewer area study, drainage concept, hydrology study and stormwater quality plan shall be reviewed and approved. Building Permit issuance will not be granted until the required soils, sewer, drainage concept, hydrology study and stormwater information have been received and found satisfactory.

49. Comply with mitigation measures recommended in the approved soils, sewer area study, drainage concept, hydrology study and stormwater quality plan.
50. The Developer shall submit a sewer area study to the Los Angeles County Department of Public Works (LACDPW) to determine if capacity is adequate in the sewerage system to be used as the outlet for the sewer of this development. If the system is found to have insufficient capacity, the problem must be addressed and resolved to the satisfaction of the L.A. County Sewer Department.
51. CC&R's (covenants, conditions, and restrictions) to address drainage responsibilities are required.
52. Quitclaim or relocate any easements interfering with building locations to the satisfaction of the City, appropriate agency or entity.
53. Additional Right-of-Way is required beyond the existing right-of-way line. Dedicate 5-ft of additional right-of-way abutting the development along the alley. New Right-of-Way line shall be 10-ft from existing centerline. Developer shall prepare legal description for required dedication, for review and approval of the City Engineer and Recordation with County Records Office. All documents shall be approved and ready for recordation prior to issuance of Building Permits.
54. The Developer 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 facility operations prior to issuance of Building Permit.
55. All existing overhead utility lines less than 50 kilovolts shall be underground to the satisfaction of the City Engineer. Alternatively, in the City Engineer's discretion, the City may accept an in-lieu fee in an amount determined by the City Engineer to be sufficient to cover the costs of such undergrounding provided the applicant deposits the full amount of the deposit of the in-lieu fee before issuance of building permits. Undergrounding estimate shall be prepared by Southern California Edison and shall be submitted to the City Engineer for his determination.
56. Drainage/Grading plan prepared by a registered Civil Engineer, to the satisfaction of the Building and Safety Division.
57. The Developer shall submit improvement plans to the Development Services Group – Engineering Division showing all the required improvements in the public right of way for review and approval of the City Engineer. A copy of approved conditions of approval shall be attached to the plans when submitted.
58. Street Improvements *(if any)* along Sepulveda Blvd.
59. Full Width Alley Improvements .

60. Sewer Main Improvements *(if any)* along Sepulveda Blvd as determined by the aforementioned sewer area study.
61. Storm Drain Improvements *(if any)* along Sepulveda Blvd as determined by the aforementioned requirement.
62. Construction bond as required for all work to be done within the public right of way.
63. Proof of Worker's Compensation and Liability Insurance.

Prior to issuance of **Certificate of Occupancy**, the proposed development is subject to the following:

64. If needed, easements shall be granted to the City, appropriate agency, or entity for the purpose of ingress, egress, construction, and maintenance of all infrastructures constructed and handicap access for this development to the satisfaction of the City Engineer and or appropriate agency or entity.
65. Repair any broken or raised sidewalk, curb and gutter along Sepulveda Blvd within or abutting this proposed development per City of Carson Standard and to the satisfaction of the City Engineer.
66. The Developer shall fill in any missing sidewalk, remove and replace any broken/damaged driveway approach in the public right of way abutting the proposed development per City of Carson Standard and to the satisfaction of the City Engineer.
67. Remove unused driveway approach if any, and replace it with full height curb and gutter and sidewalk per City of Carson Standard and to the satisfaction of the City Engineer.
68. The Developer shall modify existing driveways in the public right of way per City of Carson Standard to comply with the ADA requirements and to the satisfaction of the City Engineer.
69. Install streetlights on concrete poles with underground wiring along Sepulveda Blvd to the satisfaction of the L.A. County Street Lighting Division, Department of Public Works.
70. All new utility lines, along Sepulveda Blvd abutting the proposed development shall be underground to the satisfaction of the City Engineer.
71. Plant approved parkway trees on locations where trees are missing per City of Carson Standard Nos. 117, 132, 133 and 134.
72. Install irrigation system for the purpose of maintaining the parkway trees to be planted along the frontage of the development on Sepulveda Blvd.

73. Paint Curbs Red along Sepulveda Blvd within or abutting this proposed development. Plans showing the proposed red curbs shall be submitted to the Traffic Engineer for review and approval.
74. The Developer shall install separate sewer laterals to individually serve each building in the development. Installation and dedication of main line sewers may be necessary to meet this requirement.
75. The Developer shall execute and provide to the City Engineer, a written statement from the water purveyor indicating that the water system will be operated by the purveyor and that under normal conditions, the system will meet the requirements for the development and that water service will be provided to each building.
76. Comply with mitigation measures recommended by the water purveyor.
77. The Developer shall construct and guarantee the construction of all required drainage infrastructures in accordance with the requirements and recommendations of the hydrology study, subject to the approval of the City Engineer.
78. Streets abutting the development, with new utility trench cuts to serve the development, shall be slurry sealed from median-to-curb when medians are existing or as approved by the City Engineer. Slurry Seal materials shall be rubberized emulsion aggregate slurry (REAS).
79. The Developer shall comply with all requirements from L.A. County Sewer Maintenance Division for maintenance of new and/or existing sewer main, relating to this development, prior to release of all improvement bonds.
80. At the time of issuance of Certificate of Occupancy, and improvement plan approval, the developer's engineer shall submit the approved off-site improvement plans electronically stored a CD in AutoCad format to the Engineering Services Division.
81. All infrastructures necessary to serve the proposed development (water, sewer, storm drain, and street improvements) shall be in operation prior to the issuance of Certificate of Occupancy.

THE COUNTY OF LOS ANGELES FIRE DEPARTMENT

84. Prior to the issuance of a building permit, submit two complete sets of architectural drawings to the Fire Prevention Engineering Section Building Plan Check Unit. Contact (323) 890-4125 for additional information and submittal location.





CITY OF CARSON

PLANNING COMMISSION STAFF REPORT

PUBLIC HEARING: September 9, 2008
SUBJECT: Conditional Use Permit No. 705-08
APPLICANT/REPRESENTATIVE: Jim Tulk
2712 E. Van Buren Street
Carson, CA 90810
REQUEST: To authorize construction of a 284-square-foot storage area and laundry room to an existing 545-square-foot detached garage/accessory structure.
PROPERTY INVOLVED: 2712 E. Van Buren Street

COMMISSION ACTION

- Concurred with staff
 Did not concur with staff
 Other

COMMISSIONERS' VOTE

AYE	NO		AYE	NO	
		Faletogo – Chairman			Saenz
		Cannon			Verrett
		Graber			

Item No. 12B

I. **Introduction**

The applicant is requesting approval of Conditional Use Permit (CUP) No. 705-08 to authorize construction of a storage area and laundry room addition totaling 284 square feet to an existing 545-square-foot garage/accessory structure. The resultant structure will total 829 square feet in area. The property is located at 2712 E. Van Buren Street and is zoned Residential, Single-Family (RS).

II. **Background**

Carson Municipal Code (CMC) Section 9122.2(A), Outbuildings and Accessory Uses, requires a CUP for private garages and other accessory structures if over 500 square feet in area. The existing 545-square-foot garage was issued a building permit and constructed in 1957, prior to city incorporation. Section 9182.21, Nonconforming Use Eligible for Conditional Use Permit or Other Approval, states that any use lawfully established as an automatically permitted use which subsequently is designated as a use requiring a conditional use permit or other special approval shall be considered to be a nonconforming use until such time as a conditional use permit or other such special approval is granted. Likewise, CMC Section 9182.41(A), Nonconformity Requiring Capital Expenditure to Conform, states that the existing conditions are allowed to continue indefinitely. However, the 284-square-foot addition of a laundry room and storage area is considered an intensification of the non-conforming use and therefore the applicant is required to obtain the necessary CUP prior to building permit issuance.

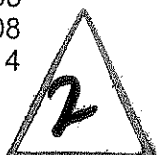
The subject property is located within a predominately single-family neighborhood bounded by Santa Fe Avenue on the east, Alameda on the west, Dominguez Street to the north and Carson Street to the south, and commonly referred to as the 'Presidential Tract'. Most houses in this area were constructed in the period between 1920 and 1940. Many have since been updated with more modern accoutrement, and some have been completely rebuilt. Records on file indicate that the 1,014-square-foot single-family residence located on the subject property was constructed in 1945 with no garage. A detached garage and home workshop was permitted and constructed in 1957. Earlier this year a building permit was issued to construct a 168-square-foot bathroom and walk-in closet addition to the main house. The applicant proposes to expand the accessory structure to accommodate a laundry and additional storage space.

The property site has no previously approved discretionary permits on file, nor are there any known past or current zoning code enforcement cases.

III. **Analysis**

Conditional Use Permit No. 705-08

Carson Municipal Code (CMC) Section 9122.2(A), Outbuildings and Accessory Uses, requires a CUP for private garages over 500 square feet in area. Section 9172.21 (D) states that a CUP application shall be submitted and recommended for approval if the project meets specified criteria; and that the Commission shall approve a



Conditional Use Permit if it is able to make affirmative findings based on the following criteria:

a. The proposed use and development will be consistent with the General Plan.

The existing garage and accessory structure is a permitted use in the RS zone. The zoning for the subject property is consistent with the General Plan Land Use designation of Low Density Residential. The proposed addition will not significantly alter the utility function of the structure. Therefore, the proposed use and development will be consistent with the General Plan.

b. The site is adequate in size, shape, topography, location, utilities, and other factors to accommodate the proposed use and development.

The subject property is located in a predominately single-family neighborhood, is 5,507 square feet in area, rectangular-shaped, flat, and served by existing utilities. The existing lot coverage of all structures on the property is 31 percent. The proposed addition will increase the lot coverage to 36 percent, or roughly one-third of the total lot. Also, the proposed addition will be served by existing utilities on the property, such as water and electricity, and will not require new infrastructure improvements or electrical upgrades. Thus, the site is more than adequate in size, shape, topography, location and utilities to accommodate the proposed use and development.

c. There will be adequate street access and traffic capacity.

Van Buren Street is a residential street which operates with a minimal amount of traffic. The existing garage and driveway is adequate to serve the proposed use. The proposed addition will not affect existing street access or traffic capacity.

d. There will be adequate water supply for fire protection.

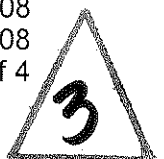
There are fire hydrants in the vicinity of the proposed addition, and convenient access for Fire Department vehicles and personnel. There is adequate water supply to aid in fire suppression in the event of an actual emergency.

e. The proposed use and development will be compatible with the intended character of the area.

The proposed construction will occupy space on an existing single-family residential lot which is surrounded by similarly zoned properties and within a predominately single-family residential neighborhood.

f. Such other criteria as are specified for the particular use in other Sections of this Chapter.

The proposed project meets all applicable design standards and guidelines of the Municipal Code.



III. Environmental Review

The proposed addition does not exceed 50 percent of the existing structures and no significant environmental impacts are expected to result from this development proposal. Therefore, pursuant to Section 15301(e)(1), Existing Facilities, of the California Environmental Quality Act (CEQA), the proposed project is classified as "Categorically Exempt" and no further environmental analysis is required.

IV. Recommendation

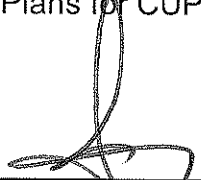
That the Planning Commission:

- APPROVE Conditional Use Permit No. 705-08 subject to the conditions of approval attached as Exhibit "B" to the attached Resolution; and
- WAIVE further reading and ADOPT Resolution No._____, entitled, "A Resolution of the Planning Commission of the city of Carson approving Conditional Use Permit No. 705-08 to construct a 284-square-foot addition to an existing 545-square-foot detached garage located at 2712 E. Van Buren Street."

V. Exhibits

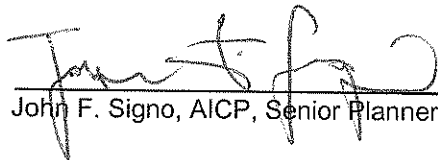
1. Draft Resolution
2. Land Use Map
3. Development Plans for CUP 705-08

Prepared by:



Steven C. Newberg, AICP, Associate Planner

Reviewed by:



John F. Signo, AICP, Senior Planner

Approved by:



Sheri Repp, Planning Manager

CITY OF CARSON
PLANNING COMMISSION
RESOLUTION NO. 08-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON APPROVING CONDITIONAL USE PERMIT NO. 705-08 TO CONSTRUCT A 284-SQUARE-FOOT ADDITION TO AN EXISTING 545-SQUARE-FOOT DETACHED GARAGE LOCATED AT 2712 E. VAN BUREN STREET

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

Section 1. An application was duly filed by the applicant, Jim Tulk, with respect to real property located at 2712 E. Van Buren Street and described in Exhibit "A" attached hereto, requesting the approval of Conditional Use Permit No. 705-08, for the construction of a 284-square-foot storage area and laundry room to an existing 545-square-foot detached garage/accessory structure on a property in the RS (Residential, Single-family) zone.

A public hearing was duly held on September 9, 2008, 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 existing garage and accessory structure is a permitted use in the RS zone. The zoning for the subject property is consistent with the General Plan Land Use designation of Low Density Residential. The proposed addition will not significantly alter the utility function of the structure. Therefore, the proposed use and development will be consistent with the General Plan.
- B) The subject property is located in a predominately single-family neighborhood, is 5,507 square feet in area, rectangular-shaped, flat, and served by existing utilities. The existing lot coverage of all structures on the property is 31 percent. The proposed addition will increase the lot coverage to 36 percent, or roughly one-third of the total lot. Also, the proposed addition will be served by existing utilities on the property, such as water and electricity, and will not require new infrastructure improvements or electrical upgrades. Thus, the site is more than adequate in size, shape, topography, location and utilities to accommodate the proposed use and development.
- C) Van Buren Street is a residential street which operates with a minimal amount of traffic. The existing garage and driveway is adequate to serve the proposed use. The proposed addition will not affect existing street access or traffic capacity.
- D) There are fire hydrants in the vicinity of the proposed addition, and convenient access for fire department vehicles and personnel. There is adequate water supply to aid in fire suppression in the event of an actual emergency.



- F) The proposed construction will occupy space on an existing single-family residential lot which is surrounded by similarly zoned properties and within a predominately single-family residential neighborhood.

Section 4. Pursuant to Section 15301(e)(1), Existing Facilities, of the California Environmental Quality Act (CEQA), the proposed project is classified as "Categorically Exempt" and is not expected to generate any significant adverse effects on the environment.

Section 5. Based on the aforementioned findings, the Commission hereby approves Conditional Use Permit No. 705-08 with respect to the property described in Section 1 hereof, subject to the conditions set forth in Exhibit "B" attached hereto.

Section 6. The Secretary shall certify the adoption of this 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 9th DAY OF SEPTEMBER 2008.

CHAIRMAN

ATTEST:

SECRETARY



**CITY OF CARSON
DEVELOPMENT SERVICES
PLANNING DIVISION
EXHIBIT "A"
LEGAL DESCRIPTION
CONDITIONAL USE PERMIT NO .705-08**

Property Address: 2712 E. Van Buren Street

The land referred to as parcel no. 7308-010-021 is situated in the County of Los Angeles, State of California and is described as follows:

Lots 1595 and 1596 of Tract 7644 in the City of Carson, County of Los Angeles, State of California, As per Map recorded in Book 84, Page(s) 47 and 48 of Maps, in the Office of the County Recorder of said County.



CITY OF CARSON
DEVELOPMENT SERVICES
PLANNING DIVISION
EXHIBIT "B"
CONDITIONS OF APPROVAL
CONDITIONAL USE PERMIT NO. 705-08

GENERAL CONDITIONS

1. If a building permit plan check submittal proposing the implementation of Conditional Use Permit No. 705-08 is not submitted to the City of Carson 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 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.
3. The applicant shall comply with all city, county, state and federal regulations applicable to this project.
4. 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 by the Planning Commission.
5. The 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. All buildings, grounds, parking areas and landscaping shall be maintained in a neat and orderly manner at all times.
7. 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.
8. 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.



9. 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.
10. 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
11. 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. 705-08. 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.

AESTHETICS

12. There shall be no deviation of architectural design or details from the approved set of plans. Any alteration shall be first approved by the Planning Division.
13. The subject property shall be maintained at all times to present an attractive appearance to the satisfaction of the Planning Division.

PARKING

14. All parking areas and driveways shall remain clear. No encroachment into parking areas and/or driveways shall be permitted.

BUSINESS LICENSE DEPARTMENT

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



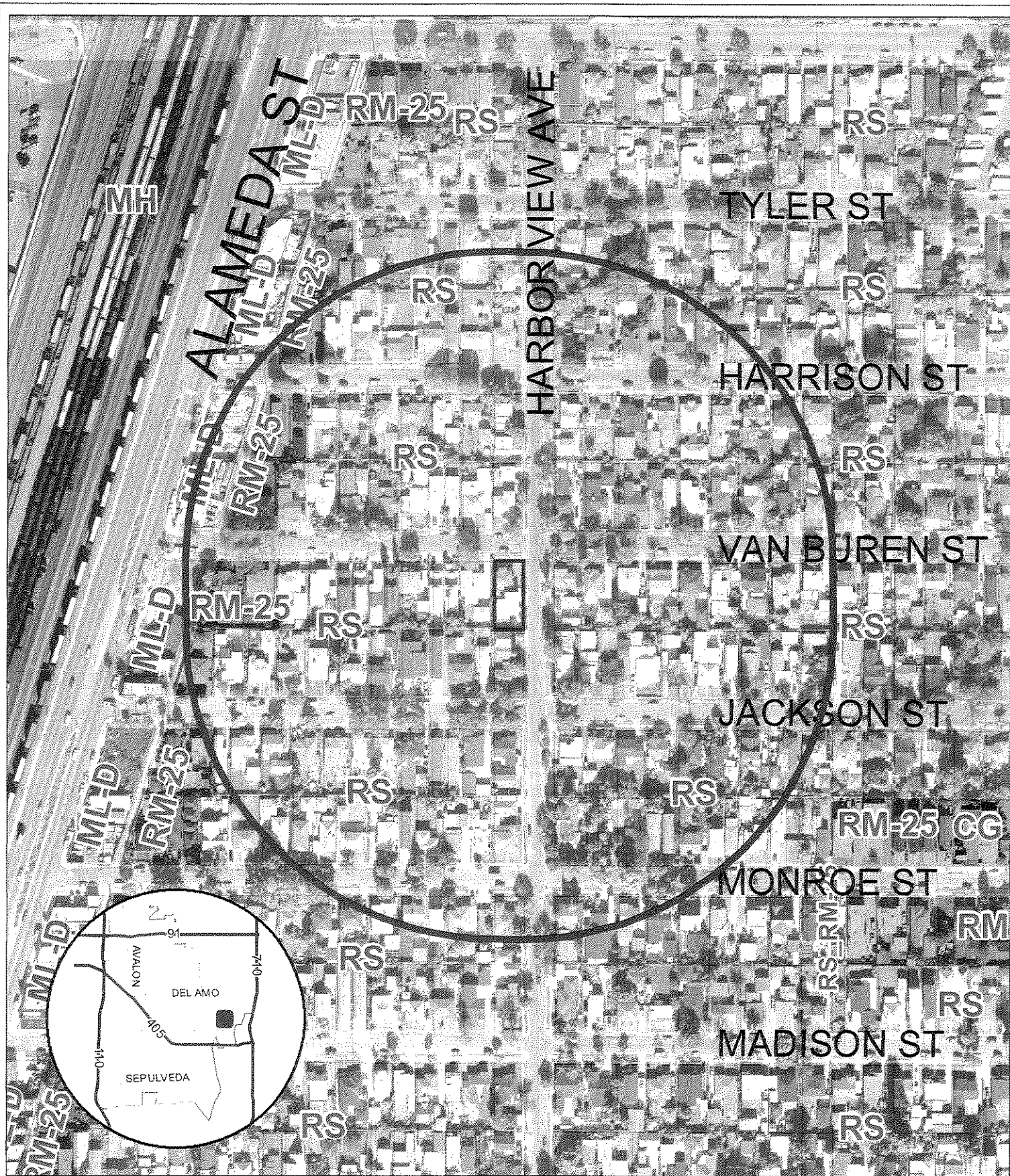
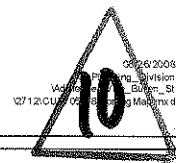


EXHIBIT NO. 2

**City of Carson
500 Foot Radius Map
2712 E Van Buren**



03/26/2008
Planning Division
2712 E Van Buren St
Carson, CA 90745



CITY OF CARSON

PLANNING COMMISSION STAFF REPORT

PUBLIC HEARING: September 9, 2008

SUBJECT: Design Overlay Review No. 1272-08 and
Conditional Use Permit No. 701-08

APPLICANT/REPRESENTATIVE: Mr. Mario Anastasio
5129 Minturn Avenue
Lakewood, CA 90712

REQUEST: Demolish an existing 1,256-square-foot single-family residence and construct a new 2,701-square-foot two-story single-family residence with a two (2) car garage. Issue a conditional use permit for a 1,091-square-foot existing non-conforming accessory living quarter

PROPERTY INVOLVED: 21324 South Perry Street

COMMISSION ACTION

- Concurred with staff
- Did not concur with staff
- Other

COMMISSIONERS' VOTE

AYE	NO		AYE	NO	
		Faletogo – Chairman			Saenz
		Cannon			Verrett
		Graber			

I. Introduction

The representative, Mr. Mario Anastasio, on behalf of the property owner, Mr. Jun Pulido, is requesting approval of Design Overlay Review (DOR) No. 1272-08 to demolish an existing 1,256-square-foot single-family residence and construct a new 2,701-square-foot two-story single-family residence on a 7,200-square-foot lot with a substandard 40-foot width. Conditional Use Permit (CUP) No. 701-08 is for an existing non-conforming accessory living quarter. The existing accessory living quarter was a result of an illegal garage conversion. The existing accessory living quarter will be brought into compliance with the approval of CUP No. 701-08 and an attached two car garage is proposed with DOR No. 1272-08. The property is located at 21324 S. Perry Street and is zoned Residential, Single-Family (RS).

II. Background

The subject property is located within the central region of the city near the intersection of 213th Street and the I-405 Freeway. The surrounding properties are developed with single-family residences that were constructed in the 1950s and 1990s. Directly to the north of the neighborhood is the Shell Carson Terminal. Residential uses are found to the north, south, west, and eastern boundaries. The subject property is occupied by a 1,256-square-foot one-story single-family dwelling and a 1,091-square-foot one-story illegal non-conforming accessory living quarter. Historic aerials and building permits show the building was currently used and constructed as a detached garage. The existing single-family dwelling will be demolished to accommodate the new primary residence and the existing accessory living quarter will remain and brought into conformance with the approval of a conditional use permit.

On April 14, 2008, an application was submitted by the applicant's representative, Mario Anastasio, for construction of the property and approval of a conditional use permit. On April 23, 2008, staff conducted a New Case Review (NCR) meeting to review the proposed project. As a result of staff review, minor architectural improvements have been added to the proposed residence to enhance the aesthetics and blend in with the surrounding architectural styles. No permit was issued for the conversion of the permitted detached garage to an accessory living quarter.

Staff has inspected the property and reviewed all building permit records. The subject property was issued a building permit for a detached garage in 1972 and a separate permit in 1974 for a family room addition which included the conversion of a carport. Based on city records, the illegal garage conversion is anticipated to have occurred between 1972 and 1974.



The property site has no previously approved discretionary permits on file and there are no past or current zoning code enforcement cases.

III. Analysis

Design Overlay Review and Conditional Use Permit

The property is a substandard wide lot (40 feet) and is subject to Site Plan and Design Review pursuant to Section 9172.23 of the Carson Municipal Code (CMC) and the existing illegal non-conforming accessory living quarter is subject to a conditional use permit pursuant to CMC Section 9122.1 since the existing structure exceeds the permitted floor area of 500-square-feet. Section 9172.23 (D) and Section 9172.21 (D) states that a site plan and design overlay review and conditional use permit application shall be submitted and recommended for approval if the project meets specified criteria; and that the Commission shall approve a Conditional Use Permit if it is able to make affirmative findings based on the following criteria:

- a. **Compatibility with the General Plan, any specific plans for the area, and surrounding uses; proposed use and development will be consistent with the General Plan.**

The proposed single-family residence is consistent with the General Plan of the City of Carson in that the property and the surrounding area are designated as Low Density Residential with an allowed maximum density of 8 dwelling units per acre (du/ac). The subject property is zoned RS (Residential, Single Family), therefore the proposed single-family dwelling and existing accessory living quarter (with an approved conditional use permit) is consistent with this zoning. The zoning designation for the subject property is consistent with the General Plan Land Use designation of Low Density Residential.

- b. **Compatibility of architecture and design with existing and anticipated development in the vicinity, including the aspects of site planning, land coverage, landscaping, appearance, scale of structures, open spaces, and other features relative to a harmonious and attractive development of the area; proposed use and development will be compatible with the intended character of the area.**

The proposed project is for a new 2,701-square-foot two-story single-family dwelling located in a residential neighborhood and a conditional use permit for an existing 1,091-square-foot accessory living quarter. The proposed and existing development is consistent with newer two-story single-family residences (built in the 1990s) located directly west of the project site and the surrounding single family homes (built in the 1950s) directly adjacent to the project site. The proposed project meets the City's design and development standards.



The subject property consists of an illegal non-conforming accessory living quarter that requires a conditional use permit pursuant to Section 9122 of the CMC. The City automatically permits accessory living quarters within the RS zone pursuant to Section 91221.1 of the CMC if the accessory unit does not exceed 500 square feet and meets development standards. A conditional use permit is required if an accessory living quarter exceeds 500 square feet. The existing accessory living quarter is 1,091 square feet and will be renovated to meet development standards and be compatible with the primary residence in architectural style and appearance.

c. Convenience and safety of circulation for pedestrians and vehicles; adequate street access and traffic capacity.

Perry Street is a residential street which operates with a minimal amount of traffic. Adequate driveway width and a pedestrian sidewalk will ensure safety for pedestrians and motorists. Clear views for vehicle back-up are provided.

d. Attractiveness, effectiveness and restraint in signing, graphics and color.

The proposed project is for a single-family residence and will not require signage other than for address identification.

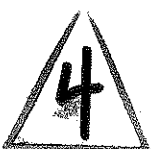
e. Conformance to any applicable design standards and guidelines which have been adopted pursuant to Section 9172.15.

The subject property is not located within any Redevelopment Project Area or special Overlay District. The proposed project meets all applicable design standards and guidelines of the Municipal Code.

f. The site is adequate in size, shape, topography, location, utilities, and other factors to accommodate the proposed use and development; there will be adequate water supply for fire protection.

The project site is a substandard wide lot (40 feet) and is subject to Site Plan and Design Review pursuant to Section 9172.23 of the Carson Municipal Code (CMC). The proposed project will replace an existing dwelling unit and will legalize an existing accessory structure. The site is adequate to accommodate the proposed project.

The proposed project has been reviewed by the Los Angeles County Fire Department and conditions of approval have been provided to ensure adequate water supply is provided for fire protection.



Issues of Concern

According to Section 9122.1 of the CMC, accessory living quarters may be provided given that no separate kitchen facilities are provided and such quarters are not occupied or rented as a separate dwelling. The addition of a kitchen to an accessory living quarter creates a second dwelling unit and second dwelling units are strictly prohibited within parcels less than 7,500 square feet in the RS zone according to Section 9125.6 of the CMC, Second Dwelling Unit Development Standards. The project site is approximately 7,200 square feet and does not meet minimum lot size requirements for a second dwelling unit. Therefore, in accordance to Sections 9122.1 of the CMC, Accessory Living Quarters, the following conditions of approval are recommended.

Conditions of Approval

1. Any changes or additions to the accessory living quarter shall be limited to minor alterations, improvements, repairs or changes of use which do not increase or intensify the existing use.
2. Any major alterations, improvements and or repairs shall require review and approval by the Planning Division and issuance of a building permit, if applicable.
3. The applicant shall sign an agreement indicating the accessory living quarter shall never be used as a second dwelling unit or rented as a second dwelling unit. Said agreements shall be recorded by the County Recorder. Proof of recordation shall be provided to the Planning division prior to the certificate of occupancy.
4. In the event the accessory living quarter is converted into a second dwelling unit, the property owner shall be responsible to pay for all costs to remove the second dwelling unit, including all costs incurred by the city in its enforcement of the Carson Municipal Code.
5. Building permits for all structures, including the accessory living quarter, shall be secured prior to issuance of occupancy of the main unit.

III. Environmental Review

Pursuant to Section 15303(a) of the California Environmental Quality Act (CEQA), the proposed project is for a new single-family residence and legalization of a non-conforming accessory living quarter located in a developed residential neighborhood and is "Categorically Exempt." No significant environmental impacts would result from this proposal.



IV. Conclusion

Based on the preceding discussions, it is staff's recommendation that the proposed project meets the required findings set forth in the Carson Municipal Code for the approval of a Design Overlay Review and Conditional Use Permit. The proposed residence meets the requirement of the General Plan for residential development. The proposed use of the site will be consistent with the existing residential development in the area. Adequate conditions have been included to mitigate effects as well as guide development.

V. Recommendation

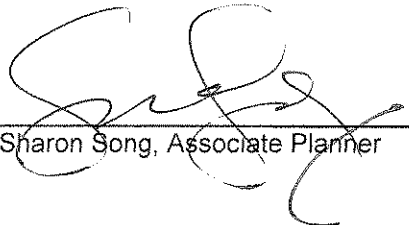
That the Planning Commission:

- APPROVE Design Overlay Review No. 1272-08 and Conditional Use Permit No. 701-08 subject to the conditions of approval attached as Exhibit "B" of Exhibit 1 (Resolution No. _____); and
- WAIVE further reading and ADOPT Resolution No. _____, entitled, "A Resolution of the Planning Commission of the city of Carson approving Design Overlay Review No. 1272-08 for construction of a new single-family residence and Conditional Use Permit No. 701-08 to legalize an existing non-conforming accessory living quarter located at 21324 South Perry Street."

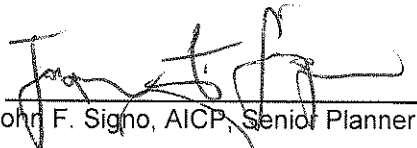
VI. Exhibits

1. Draft Resolution
2. Development Plans for DOR 1272-08 and CUP 701-08

Prepared by:


Sharon Song, Associate Planner

Reviewed by:


John F. Signo, AICP, Senior Planner

Approved by:


Sheri Repp, Planning Manager



CITY OF CARSON
PLANNING COMMISSION
RESOLUTION NO. _____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON APPROVING DESIGN OVERLAY REVIEW NO. 1272-08 FOR CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE AND CONDITIONAL USE PERMIT NO. 701-08 TO LEGALIZE AN EXISTING NON-CONFORMING ACCESSORY LIVING QUARTER LOCATED AT 21324 SOUTH PERRY STREET

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

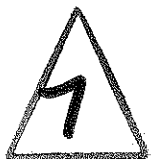
Section 1. An application was duly filed by the applicant, Mr. Mario Anastasio, on behalf of the property owner Mr. Jun Pulido, with respect to real property located at 21324 South Perry Street and described in Exhibit "A" attached hereto, requesting the approval of Design Overlay Review No. 1272-08 and Conditional Use Permit No. 701-08 for construction of a new single-family residence and legalization of an existing accessory living quarter.

A public hearing was duly held on September 9, 2008, 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. Pursuant to Section 9172.23 of the Carson Municipal Code (CMC), Site Plan and Design Review and Section 9172.21, Conditional Use Permit, the Planning Commission finds that:

- a) The proposed single-family residence and existing accessory living quarter is consistent with the General Plan of the city of Carson in that the subject property and the surrounding area are designated for residential development. The subject property is zoned Residential, Single Family (RS) and the remaining surrounding area is designated as Low Density (1-8 unit max.) and zoned Residential, Single Family (RS).
- b) The proposed project is for a new single-family residence located in a residential neighborhood and approval of an existing accessory living quarter. It is consistent with the existing two-story single-family residences in the neighborhood and meets the City's design and development standards. The property will be entirely landscaped in areas other than the residence, driveway, and walkway. Conditions of approval have been included to improve the aesthetic design of the residence and accessory living quarter.
- c) Perry Street is a residential road which operates for a minimal amount of traffic. Adequate driveway width and a pedestrian sidewalk will ensure safety for pedestrians and motorists. The front yard fences will not exceed the maximum Code requirement of 42 inches in height, which will allow visibility for motorists backing up onto Perry Street.
- d) The proposed project is for a single-family residence and existing accessory living quarter and will not require signage other than for address identification.



e) The subject property is not located within any Redevelopment Project Area or special Overlay District. The proposed project meets all applicable design standards and guidelines of the Municipal Code.

f) The proposed project has been reviewed by the Los Angeles County Fire Department and conditions of approval have been provided to ensure adequate water supply is provided for fire protection.

Section 4. Pursuant to Section 15303(a) of the California Environmental Quality Act (CEQA), the proposed project is for a new single-family residence and existing accessory living quarter located in a developed residential neighborhood and is "Categorically Exempt." No significant environmental impacts would result from this proposal.

Section 5. Based on the aforementioned findings, the Commission hereby grants Design Overlay Review No. 1272-08 and Conditional Use Permit No. 701-08 with respect to the property described in Section 1 hereof, subject to the conditions set forth in Exhibit "B" attached hereto, and approves the Notice of Exemption identifying the project as "Categorically Exempt."

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 9th DAY OF SEPTEMBER, 2008.

CHAIRMAN

ATTEST:

SECRETARY



THE NORTH 40 FEET OF THE SOUTH 80 FEET OF THE WEST 185 FEET OF LOT 30 OF TRACT, 4054, IN THE CITY OF CARSON, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 44 PAGES 39 TO 41 INCLUSIVE OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

PARCEL 2:

AN EASEMENT FOR INGRESS AND EGRESS PURPOSES OVER THE NORTH 7.00 FEET OF THE SOUTH 40.00 FEET OF THE WEST 83.00 FEET OF LOT 30, TRACT 4054, AS PER MAP RECORDED IN BOOK 44 PAGES 39 TO 41 OF MAPS.

Staple

STATE OF CALIFORNIA }
COUNTY OF Los Angeles } S.S.

On December 5, 1991 before me,
Marie T. Quinlan personally
appeared Isaias Q. Pulido
Bernardita P. Pulido

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

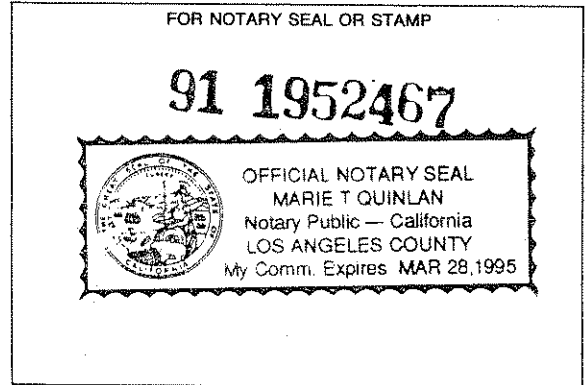
WITNESS my hand and official seal

Signature Marie T. Quinlan

Staple



Gateway Title Company



91 1952467



CITY OF CARSON
ECONOMIC DEVELOPMENT
PLANNING DIVISION
EXHIBIT "B"
CONDITIONS OF APPROVAL
DESIGN OVERLAY REVIEW NO. 1272-08
CONDITIONAL USE PERMIT NO. 701-08

GENERAL CONDITIONS

1. If Design Overlay Review No. 1272-08 and Conditional Use Permit No. 701-08, are not used within one year of their effective date, said permits shall be declared null and void unless an extension of time is previously approved by the Planning Commission.
2. 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.
3. The applicant shall comply with all city, county, state and federal regulations applicable to this project.
4. 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 revisions shall be approved by the Planning Division prior to Building and Safety plan check submittal.
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 permits shall be determined to be automatically revoked, 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. 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.
10. 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.
11. The Applicant shall defend, indemnify and hold harmless the City of Carson, its agents, officers, or employees from any claims, damages, action, or proceeding against the City or its agents, officers, or employees to attack, set aside, void or annul, and approval of the City, its advisory agencies, appeal boards, or legislative body concerning Design Overlay Review No. 1272-08 and Conditional Use Permit No. 701-08. 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.

ACCESSORY LIVING QUARTER

12. Any changes or additions to the accessory living quarter shall be limited to minor alterations, improvements, repairs or changes of use which do not increase or intensify the existing use.
13. Any major alterations, improvements and or repairs shall require review and approval by the Planning Division and issuance of a building permit, if applicable.
14. The applicant shall sign an agreement indicating the accessory living quarter shall never be used as a second dwelling unit or rented as a second dwelling unit. Said agreement shall be recorded by the County Recorder. Proof of recordation shall be provided to the Planning division prior to the certificate of occupancy.
15. In the event the accessory living quarter is converted into a second dwelling unit, the property owner shall be responsible to pay for all costs to remove the second dwelling unit, including all costs incurred by the city in its enforcement of the Carson Municipal Code.
16. Building permits for all structures, including the accessory living quarter, shall be secured prior to issuance of occupancy of the main unit.



PARKING

17. The required parking shall meet all applicable standards as outlined in Part 6, Division 2 of the Carson Zoning Ordinance.
18. All parking areas and driveways shall remain clear. No encroachment into parking areas and/or driveways shall be permitted.
19. No designated garage shall be converted to other use without approval by the Planning Division.
20. Automatic garage door openers, with two portable opening devices, are required.
21. A roll-up garage door shall be installed to allow for parking on the driveway.
22. All areas used for the movement of parking, loading, repair or storage of vehicles shall be paved with either:
 - a. Concrete or asphaltic concrete to a minimum thickness of three and on-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.
23. No designated garage shall be converted to other uses(s) without prior approval from the Planning Division.

LANDSCAPING/IRRIGATION

24. All landscaped areas shall be maintained in good condition at all times.

UTILITIES

25. All utilities and aboveground equipment shall be constructed and located pursuant to Section 9126.8 of the Zoning Ordinance, unless otherwise provided for in these conditions.
26. All roof mounted equipment shall be screened from public view or incorporated into the design of the structure or building.
27. 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

28. Texture treatment (such as rough stucco, sandblasting, etc.) shall be incorporated into all building facades, subject to Planning Division approval.
29. The exterior front door shall be solid hardwood (carved or paneled).
30. Down spouts shall be interior to the structure or architecturally integrated into the structure to the satisfaction of the Planning Manager.



31. The specification of all colors and materials must be submitted and approved by the Planning Division prior to the issuance of any building permits.
32. The subject property shall be maintained at all times to present an attractive appearance to the satisfaction of the Planning Division.

FENCES/WALLS

33. Perimeter walls shall be architecturally coordinated with the project buildings and subject to the approval of the Planning Division.

LIGHTING

34. All exterior lighting shall be provided in compliance with the standards as provided for in Section 9137.1 (commercial zones) or Section 9147.1 (industrial zones) of the Zoning Ordinance.
35. Low level exterior lights shall be installed throughout the site along all walkways. Such lights are to be directed on-site in such a manner as to not create a nuisance or hazard to adjacent street and properties, subject to the approval of the Planning Division.

BUILDING AND SAFETY

36. Appropriate permits shall be obtained for work that has been done on the property without required permits, or said work shall be removed. All work shall be brought into compliance with applicable codes.

FIRE DEPARTMENT - COUNTY OF LOS ANGELES

37. The required fire flow for public fire hydrants at this location is 1250 gallons per minute at 20 psi for a duration of 2 hours. The water mains in the street fronting this property must be capable of delivering this flow at 20 pounds per square inch residual pressure.
38. Provide evidence on Los Angeles County Fire Department fire flow Form 195, that the fire hydrant and available flow rate meets Los Angeles County Fire Department requirements. This form should be submitted to the Carson Building Department for verification of these requirements prior to the issuance of any building permits.

ENGINEERING SERVICES DEPARTMENT - CITY OF CARSON

39. The preparation of a drainage/grading plan for approval by the Los Angeles County Department of Public Works is required.

The Department of Public Works recommends approval of the proposed project subject to the following conditions:



40. The Developer shall submit a copy of approved Grading plans on bond paper to the City of Carson – Engineering Department, prior to issuance of grading permits.
41. The Developer shall submit a copy of approved plans on mylars (such as, Sewer, Street and/or Storm Drain Improvements, whichever applies), to the City of Carson – Engineering Division, prior to issuance of construction permits.
42. Any improvements damaged during the construction shall be removed and reconstructed per City of Carson Standard plan and to the satisfaction of the City Engineer.
43. A construction permit is required for any work to be done in the public right-of-way.

Prior to issuance of Building Permit, the proposed development is subject to the following:

44. Soils report, sewer area study, drainage concept, and stormwater quality plan shall be reviewed and approved. Building Permit issuance will not be granted until the required soils, sewer, drainage concept and stormwater information have been received and found satisfactory.
 - a) Comply with mitigation measures recommended in the approved soils, sewer area study, drainage concept and stormwater quality plan.
45. The Developer shall submit a sewer area study to the Los Angeles County Department of Public Works (LACDPW) to determine if capacity is adequate in the sewerage system to be used as the outlet for the sewer of this development. If the system is found to have insufficient capacity, the problem must be addressed and resolved to the satisfaction of the L.A. County Sewer Department.
46. Quitclaim or relocate any easements interfering with building locations to the satisfaction of the City, appropriate agency or entity.
47. The Developer shall comply with the applicable SUSMP requirements and shall include Best Management Practices necessary to control storm water pollution from construction activities and facility operations prior to issuance of Building Permit.
48. Drainage/Grading plan prepared by a registered Civil Engineer, to the satisfaction of the Building and Safety Division.
49. The Developer shall submit improvement plans to the Development Services Group – Engineering Division showing all the required improvements in the public right of way for review and approval of the City Engineer. A copy of approved conditions of approval shall be attached to the plans when submitted.
 - b) Sewer Main Improvements (if any) along Perry Street, as determined by the aforementioned sewer area study



50. Construction bond as required for all work to be done within the public right of way.
51. Proof of Worker's Compensation and Liability Insurance.

Prior to issuance of Certificate of Occupancy, the proposed development is subject to the following:

52. If needed, easements shall be granted to the City, appropriate agency, or entity for the purpose of ingress, egress, construction, and maintenance of all infrastructures constructed and handicap access for this development to the satisfaction of the City Engineer and or appropriate agency or entity.
53. Repair any broken or raised sidewalk, curb and gutter along Perry Street within or abutting this proposed development per City of Carson Standard and to the satisfaction of the City Engineer.
54. Remove unused driveway approach if any, and replace it with full height curb and gutter and sidewalk per City of Carson Standard and to the satisfaction of the City Engineer.
55. The developer shall construct new driveway approaches per City of Carson Standard and in compliance with the ADA requirements. The Developer shall protect or relocate any facilities to accommodate the proposed driveway approach. The maximum driveway approach width allowed for the site is 20 feet.
56. If required by the L.A. County Street Lighting Division, Department of Public Works, install streetlights on concrete poles with underground wiring along the project site to the satisfaction of the L.A. County Street Lighting Division, Department of Public Works.
57. All new utility lines, servicing the proposed development shall be underground to the satisfaction of the City Engineer.
58. The Developer shall install separate sewer laterals to individually serve each building in the development. Installation and dedication of main line sewers may be necessary to meet this requirement.
59. The Developer shall execute and provide to the City Engineer, a written statement from the water purveyor indicating that the water system will be operated by the purveyor and that under normal conditions, the system will meet the requirements for the development and that water service will be provided to each building.
 - c) Comply with mitigation measures recommended by the water purveyor.
60. Streets abutting the development, with new utility trench cuts to serve the development, shall be slurry sealed from curb-to-curb or as approved by the City Engineer. Slurry Seal materials shall be rubberized emulsion aggregate slurry (REAS)



61. The Developer shall comply with all requirements from L.A. County Sewer Maintenance Division for maintenance of new and/or existing sewer main, relating to this development, prior to release of all improvement bonds.
62. All infrastructures necessary to serve the proposed development (water, sewer, storm drain, and street improvements) shall be in operation prior to the issuance of Certificate of Occupancy.

BUSINESS LICENSE DEPARTMENT - CITY OF CARSON

63. 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
Economic Development Services Group
701 East Carson Street
P.O. Box 6234
Carson, California 90749

Exempt from recording fees pursuant to Government Code §6103.

RESTRICTIVE COVENANT

This Restrictive Covenant is made and entered into as of the 10th day of September, 2008, by Jun Pulido ("Owner") in favor of the City of Carson ("City"), California, a municipal corporation.

RECITALS

A. Owner is the owner of certain real property commonly known as 21324 South Perry Street ("Property"), Carson, California 90745.

B. Owner constructed a detached accessory living quarter ("Structure"), as defined by Carson Municipal Code ("CMC") sections 91221.1, 9191.010 and 9191.046, located on the east side of the property. The City has determined that the proposed Structure has met the regulations of the CMC.

C. City's Economic Development Services Group has agreed to grant a building permit to allow the Structure to remain, on the conditions that the Structure will never be used as a dwelling unit, as defined by CMC section 9191.214, and shall not contain a kitchen, as defined by CMC section 9191.322. The Structure is intended for family members, guests, servants, and not more than 6 roomers or boarders, provided no separate kitchen facilities, as defined by CMC Section 9191.322, are provided and such quarters are not occupied or rented as a separate dwelling.

NOW, THEREFORE, in consideration of performance by Owner of the covenants and conditions herein contained, the parties agree as follows:

1. Owner hereby covenants and agrees that, Owner shall not use or permit the Structure to be used in any manner for dwelling purposes or permanent habitation.

2. Owner hereby covenants and agrees that Owner shall not cause or permit the Structure to be further remodeled, modified, or improved in any manner which would facilitate, encourage or enable the use of the structure for dwelling purposes or permanent habitation without the prior written authorization of City.

3. If Owner shall in any manner violate the terms this covenant, City shall have all remedies available to it under the Carson Municipal Code, at law or in equity, including but not limited to a right to an injunction requiring Owner to cease such use or to remove such modifications or improvements.

4. This covenant shall constitute a servitude against the Property, and the terms of this Covenant shall be binding upon and inure to the benefit of, as the case may require, the respective heirs, successors in interest, and assigns of the parties hereto.



5. This instrument constitutes the entire agreement of the parties hereto with respect to the subject matter hereof, and no modifications hereof shall be of any force or effect until signed by the party to be charged.

6. Invalidation of any covenant, condition or restriction or any other provision contained herein shall in no way affect any of the other covenants, conditions or restrictions or provisions hereof, or the application thereof to any other person or entity, and the same shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have entered into this Covenant as of the day and year first-above written.

"City"

"Owner"

CITY OF CARSON

Jun Pulido

By: _____
Sharon Song

Title: _____
Associate Planner



ACKNOWLEDGMENT
(Civil Code § 1189)

State of California)
County of _____)

On _____, before me _____,

A notary public for the State of California, personally appeared _____

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

WITNESS my hand and official seal.

↓ (Notary Seal) ↓

Notary Public





CITY OF CARSON

PLANNING COMMISSION STAFF REPORT

WORKSHOP: September 9, 2008

SUBJECT: Workshop to discuss proposed Ordinance No. 08-1413 regarding residence and loitering restrictions for sex offenders

APPLICANT: City of Carson – Planning Division

REQUEST: Direct staff to revise or finalize the draft ordinance to establish residence and loitering restrictions for sex offenders within the city of Carson

PROPERTY INVOLVED: Citywide

COMMISSION ACTION

Concurred with staff

Did not concur with staff

Other

COMMISSIONERS' VOTE

AYE	NO		AYE	NO	
		Chairman Faletogo			Saenz
		Cannon			Verret
		Graber			

Item No. 13A

I. Introduction

On March 18, 2007, the City Council discussed the issue of residence and loitering restrictions for sex offenders and directed staff to prepare an ordinance to be considered by the Planning Commission. On July 22, 2008, the Planning Commission held a workshop to discuss possible residency, time and distance requirements on registered offenders. The Planning Commission provided direction and requested an additional workshop on September 9. On September 2, 2008, the City Council approved Urgency Ordinance No. 08-1413U to amend Article IX by adding Chapter 9122.9, Section 9138.72, and Section 9182.31 and amending Article IV by adding Chapter 14 to the Carson Municipal Code regarding residence and loitering restrictions for sex offenders for 45 days unless extended by the City Council. The urgency ordinance is effective immediately and will remain in effect if the urgency ordinance is extended or until a permanent ordinance is adopted.

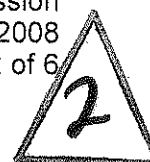
II. Background

On November 7, 2006, the voters of the State of California overwhelmingly approved Proposition 83, The Sexual Predator Punishment and Control Act, commonly referred to as Jessica's Law, so as to better protect California and in particular, children from sex offenders. Proposition 83 prohibits any registered sex offender, on parole to the California Department of Corrections and Rehabilitation – Division of Adult Parole Operations, from residing within 2,000 feet of any public or private school, or any park where children regularly gather. Proposition 83 also authorizes municipal jurisdictions to enact local ordinances that further restrict the residency of any registered sex offender, whether or not on parole or probation.

There is a current constitutional question associated with Jessica's Law. The California Supreme Court has tabled the revocation of probation for violations of Jessica's Law until it can review the residency restriction. There is a suggestion that the Supreme Court may view as Jessica's Law unconstitutional residency restrictions that substantially eliminate all meaningful housing choices within a city.

In March 2008, it was brought to the city's attention that there was an over-concentration of sex offenders at the Carson Plaza Hotel. The over-concentration was a result of the hotel being located outside of the 2,000-foot buffer areas required by Jessica's Law. The over-concentration of sex offenders created public unrest and generated wide-spread concern from the public in regards to their safety and protection of their children. On March 18, 2008, the City Council was advised of the potential concentrations of paroled registered sex offenders in residential neighborhoods where children are present and in hotels, motels, or inns where children gather, and cared for, or are present. Subsequently, the City Council directed staff to immediately prepare an ordinance to be considered by the Planning Commission.

On July 22, 2008, it was brought to the attention of the Los Angeles County Sherriff's Department that there is an over-concentration of sex offenders residing within a



residential neighborhood at 2510 and 2512 East Harrison Street. A duplex located at 2510 and 2512 East Harrison Street is housing several paroled sex offenders. The duplex operates as a sober living/residential facility as classified by the County Health Department and is therefore legally limited to six or fewer sex offenders within each unit, or a maximum of 12 offenders for this particular parcel. The number of sex offenders can fluctuate and is subject to change on a daily basis due to the nature of parole. This facility is considered a sober living facility/residential facility according to Health and Safety Code Section 1566.3. Residential facilities are legally protected to house six or fewer persons regardless of their status as a sex offender.

Once notified of the over-concentration of sex offenders at the Harrison Street property, the Los Angeles Sheriff's Department immediately distributed a letter on July 22, 2008 informing residents in the neighborhood of the over-concentration of sex offenders and of a community meeting to discuss the issue of sex offenders on July 29, 2008. During this meeting, community residents expressed deep concern for their safety, children's safety, and general welfare of the public.

On July 22, 2008, the Planning Commission conducted a workshop to consider the ramifications of regulating sex offender residency. There were concerns that the over-concentration issues at both the Carson Plaza Hotel and the Harrison Property were a direct result of the required 2,000-foot buffer placed by Jessica's Law. An unintended consequence of Jessica's Law is the increased demand for housing locations outside of the required 2,000-foot buffer area. To prevent the city's residential neighborhoods and hotels or motels from becoming over-concentrated with registered sex offenders, the Planning Commission directed staff and the City Attorney's Office to prepare an ordinance that would place limitations on the number of sex offenders able to reside in a residential dwelling, mobilehome, motel or hotel. The Planning Commission also provided direction related to buffer areas for child day care facilities.

Information regarding the Harrison Street property brought on immediate concerns for the public safety due to the over-concentration of sex offenders living on one parcel within the city. The city has since been advised that another facility housing 5 sex offenders has established at 21256 S. Alameda Street. This threat has not been adequately addressed by the provisions of Penal Code §3003.5(a) and (b), nor have such concerns been adequately addressed by the California Department of Corrections and Rehabilitation or its Division of Parole, with respect to the placement, over-concentration and oversight of sex offender parolees within the city.

Under existing state laws, the city of Carson has a significant potential to house sex offenders within neighborhoods and areas that are outside the 2,000-foot buffer created by Jessica's Law. To address immediate concerns and threats to public safety, the City Council approved Urgency Ordinance No. 08-1413U regarding residence and loitering restrictions for sex offenders. In order to address long-term concerns and threats, staff and the City Attorney's Office has prepared Ordinance No. 08-1413.

The following is a tentative schedule that will allow for a permanent ordinance to take effect as quickly as possible. In order to prevent any period of time where the public safety will be jeopardized, staff will request an extension to Urgency Ordinance No. 08-1413U from the City Council on October 7, 2008.

Table 1 - Timeline

	Urgency Ordinance	Permanent Ordinance
September 9		Planning Commission Workshop
September 23		Planning Commission Public Hearing
October 7	City Council Extends Urgency Ordinance	City Council Public Hearing and Introduction of Permanent Ordinance
October 21		Second Reading and Adoption of Permanent Ordinance

III. **Analysis**

The ordinance will establish regulatory authority regarding residence and loitering restrictions for sex offenders. Staff proposes to amend the Carson Municipal Code by adding new sections within Article IX (Zoning) and a new chapter to Article IV (Public Peace). The draft ordinance proposes the following restrictions (for the complete ordinance and all restrictions, please see Exhibit 6):

Sex Offender Residency Restrictions

- *Residential Exclusion Zone*

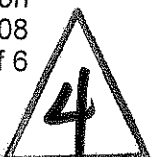
Reinforces the requirements of Jessica's Law by prohibiting sex offenders from temporarily or permanently residing within two thousand (2,000) feet of the closest property line of the subject property to the closest property line of a public or private school or park. The draft ordinance also includes restrictions that prohibit sex offenders from temporarily or permanently residing within three hundred (300) feet of the closest property line of the subject property to the closest property line of a child care center.

- *Density Restrictions*

No sex offender shall be allowed to occupy a mobile home, single family dwelling, second unit dwelling, multiple dwelling, or a residential condominium unit, already occupied by a sex offender unless those persons are legally related by blood, marriage or adoption.

Multiple Dwellings and Mobilehome Parks

No sex offender shall be a permanent or temporary resident in a multiple dwelling if ten percent or a maximum of 6 units of the total dwelling units within the multiple dwelling are already occupied by sex offenders.



Hotel/Motel/Rooms

No sex offender shall obtain occupancy in a guest room of a hotel, residential hotel, or motel already occupied by a sex offender, unless those persons are legally related by blood, marriage, or adoption. No sex offender may be a permanent or temporary resident in a hotel, residential hotel, or motel if ten percent or a maximum of 6 units of the total dwelling units within the hotel, residential hotel, or motel are already occupied by sex offenders.

- *Nonconformity*

A lawfully established temporary or permanent residence for a sex offender subject to the provisions of Section 9122.9 and Section 9138.72 shall be permitted to continue indefinitely provided the residential dwelling is not occupied by more than one (1) sex offender, unless those persons are legally related by blood, marriage or adoption.

The establishment of a legal, nonconforming status for dwellings with an over-concentration of sex offenders allows an abatement period to be established. A lawfully established temporary or permanent residence for a sex offender subject to the provisions of Section 9122.9 and Section 9138.72 which becomes nonconforming as a result of two (2) or more sex offenders, not legally related by blood, marriage or adoption, residing in the residential dwelling shall be made conforming within six (6) months from the effective date of the ordinance which results in the nonconformity.

Staff will send notification to all affected property owners and registered sex offenders to ensure quick and efficient compliance with the new regulations.

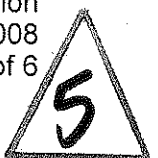
Loitering Restrictions

- *Child Safety Zone*

The proposed ordinance defines a "Child Safety Zone" to include areas located within a three hundred (300) foot radius of a child care center, public or private school, park, public library, swimming or wading pool, commercial establishment that provides any area in or adjacent to such establishment as a children's playground, school bus stop, or any location that facilitates on the property classes or group activities for children.

No Sex Offender shall loiter in a "Child Safety Zone" except as follows:

- a) Where the Sex Offender is a minor, and he/she is present within three hundred (300) feet of a Child Safety Zone while accompanied by a parent or legal guardian.
- b) Where the Sex Offender is present within three hundred (300) feet of a "Child Safety Zone" only because he/she is accompanying a Related Minor to that site and only for so long as necessary to provide care and/or supervision to the Related Minor. As used herein, Related Minor means a minor to whom the Sex Offender is the legal parent or guardian.
- c) Where the Sex Offender is exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion at a place of



worship, or freedom of speech or the right of assembly at a traditional public forum.

IV. Recommendation

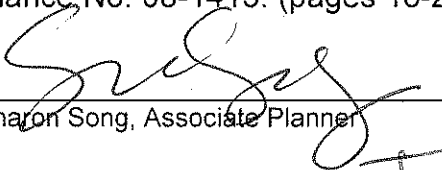
That the Planning Commission:

- CONSIDER and DISCUSS the draft ordinance to establish residence and loitering restrictions for sex offenders within the city of Carson; and
- DIRECT staff to revise or finalize the draft ordinance in preparation for the public hearing scheduled for September 23, 2008

V. Exhibits

1. City Council Staff Report dated March 18, 2008, without exhibits. (pages 7-9)
2. City Council Minutes dated March 18, 2008. (page 10)
3. Planning Commission Staff Report dated July 22, 2008, without exhibits. (pages 11-13)
4. Supplemental Planning Commission Staff Report dated July 22, 2008. (pages 14-16)
5. Planning Commission Minutes dated July 22, 2008. (page 17)
6. Draft Ordinance No. 08-1413. (pages 18-26)

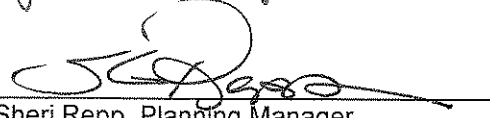
Prepared by:


Sharon Song, Associate Planner

Reviewed by:


John F. Signo, AICP, Senior Planner

Approved by:


Sheri Repp, Planning Manager





City of Carson Report to Mayor and City Council

March 18, 2008
New Business Discussion

SUBJECT: CONSIDERATION OF A DRAFT ORDINANCE REGARDING RESIDENCE AND LOITERING RESTRICTIONS FOR SEX OFFENDERS

Submitted by William W. Wynder
City Attorney

Approved by Jerome G. Groomes
City Manager

I. SUMMARY

This item is on the City Council agenda at the joint request of Mayor Dear and Councilmember Gipson.

Recently the City Council has been advised of the potential for concentrations of paroled registered sex offenders in residential neighborhoods where children are present, or in hotels, motels, or inns or other locations where children gather or are cared for or are present as paying guests.

The attached draft ordinance is intended to address the potential threat to public safety posed by "clustering" or "over concentration" of paroled registered sex offenders in or near such locations. Attached as Exhibit No. 1 is the draft ordinance.

II. RECOMMENDATION

TAKE the following actions:

1. CONSIDER the draft ordinance and PROVIDE comments.
2. REFER the draft ordinance to the Planning Commission for review and recommendation to the City Council.

III. ALTERNATIVES

TAKE another action the City Council deems appropriate.

IV. BACKGROUND

Working cooperatively with the city of Long Beach and the county of Los Angeles, the Office of the City Attorney has adapted an ordinance that is intended to address whether the city can regulate to prevent the "clustering" of paroled registered sex offenders in locations where children reside, play, gather, or are cared for.

EXHIBIT NO. 1



Our review of Penal Code § 3003.5(c) leads to the conclusion that the city has the legal authority to regulate the placement of sex offenders by defining "single family residential uses." With the appropriate findings and legislative history, the Office of the City Attorney is of the further opinion that the attached ordinance can be made to be given retroactive application so as to apply to sex offenders already in our community and the property owners who rent to them.

The draft ordinance would do the following:

1. Prohibit a registered sex offender from "loitering" (as that term is defined by law) in a "child safety zone," defined in the draft ordinance as those areas located within a three hundred (300) foot radius of a child care center, public or private school, park, public library, swimming or wading pool, commercial establishment that provides any area in or adjacent to such establishment as a children's playground, school bus stop, or any location that facilitates on the property classes or group activities for children.

2. Prohibit a registered sex offender from permanently or temporarily residing within a Residential Exclusion Zone, defined in the draft ordinance as those areas located within a two thousand (2,000) foot radius of a public or private school, or park in which a sex offender is prohibited from temporarily or permanently residing.

3. Prohibit a registered sex offender from obtaining occupancy in a Dwelling, Single Family Dwelling, Multi-family Dwelling, Duplex Dwelling, Condominium Unit or a Hotel, or Motel already occupied by a Sex Offender, unless those persons are legally related by blood, marriage, or adoption.

V. FISCAL IMPACT

None.

VI. EXHIBITS

1. Draft Ordinance (pgs. 4-9)
2. California Penal Code § 3003.5 (pg. 10)

Prepared by: William Wynder, City Attorney



sf:Rev061902

Reviewed by:

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

Action taken by City Council	
Date _____	Action _____

- Public Relations Commission – Community Representative (1 Vacancy)
- Public Works Commission (1 Vacancy)
- Public Safety Commission (2 Vacancies)
- Women’s Issues Commission (3 Vacancies)
- Youth Commission (1 Vacancy)
- Veterans Affairs Commission (1 Vacancy)

ACTION: In accordance with Ordinance Nos. 07-1399 and 07-1394, amending certain rules for the conduct of Council/Agency meetings, this item was not addressed.

ITEM NO. (32) CONSIDERATION OF A DRAFT ORDINANCE REGARDING RESIDENCE AND LOITERING RESTRICTIONS FOR SEX OFFENDERS (CITY MANAGER)

This item was heard after Item No. 25.

City Manager Groomes summarized the staff report and recommendation.

RECOMMENDATION for the City Council:

TAKE the following actions:

1. CONSIDER the draft ordinance and PROVIDE comments.
2. REFER the draft ordinance to the Planning Commission for review and recommendation to the City Council.

ACTION: It was moved to Approve the staff recommendation on motion of Dear and seconded by Gipson.

At the request of Council Member Davis-Holmes, City Attorney Wynder briefly summarized the draft ordinance.

The motion was unanimously carried by the following vote:

Ayes: Mayor Dear, Council Member Williams, Council Member Gipson, and Council Member Davis-Holmes
Noes: None
Abstain: None
Absent: Mayor Pro Tem Santarina

ITEM NO. (33) ORDINANCE NO. 08-1398 IMPLEMENTING CERTAIN PROVISIONS OF THE DIGITAL INFRASTRUCTURE AND VIDEO COMPETITION ACT OF 2006 (ADMINISTRATIVE SERVICES)

RECOMMENDATION for the City Council:





CITY OF CARSON

PLANNING COMMISSION STAFF REPORT

NEW BUSINESS DISCUSSION: July 22, 2008

SUBJECT: Workshop to discuss imposing possible residency, time and distance requirements on registered offenders

APPLICANT: City of Carson

REQUEST: Discuss and consider the establishment of an ordinance to regulate the potential for over concentrations of paroled registered sex offenders.

PROPERTIES INVOLVED: City wide.

COMMISSION ACTION

Concurred with staff

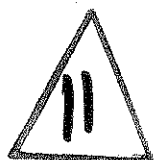
Did not concur with staff

Other

Chairman Faletogo moved, seconded by Commissioner Cannon, to continue this workshop to September 9th and to schedule a public hearing on September 23rd regarding this matter. Motion carried.

COMMISSIONERS' VOTE

AYE	NO		AYE	NO	
✓		Faletogo – Chairperson	✓		Saenz
✓		Cannon	✓		Verrett
✓		Graber			



I. Introduction

On March 18, 2007, the City Council discussed the issue of residence and loitering restrictions for sex offenders and directed staff to prepare an ordinance to be considered by the Planning Commission.

II. Background

On March 18, 2007, the City Council was advised of the potential for concentrations of paroled registered sex offender in residential neighborhoods where children are present, or in hotels, motels, or inns or other locations where children gather or are cared for or are present as paying guests.

The attached draft ordinance is intended to address the potential threat to public safety posed by "clustering" or "over concentration" of paroled registered sex offenders in or near such locations.

III. Analysis

The draft ordinance would do the following:

1. Prohibit a registered sex offender from "loitering" (as that term is defined by law) in a "child safety zone," defined in the draft ordinance as those areas located within a three hundred (300) foot radius of a child care center, public or private school, park, public library, swimming or wading pool, commercial establishment that provides any area in or adjacent to such establishment as a children's playground, school bus stop, or any location that facilitates on the property classes or group activities for children.
2. Prohibit a registered sex offender from permanently or temporarily residing within a Residential Exclusion Zone, defined in the draft ordinance as those areas located within a two thousand (2,000) foot radius of a public or private school, or park in which a sex offender is prohibited from temporarily or permanently residing.
3. Prohibit a registered sex offender from obtaining occupancy in a Dwelling, Single Family Dwelling, Multi-family Dwelling, Duplex Dwelling, Condominium Unit or a Hotel, or Motel already occupied by a Sex Offender, unless those persons are legally related by blood, marriage, or adoption.

Additional information will be discussed by staff at the meeting.

IV. Recommendation

That the Planning Commission:

- **DISCUSS** the draft ordinance; and
- **DIRECT** staff to revise the draft ordinance based on the issues discussed.

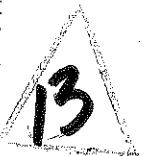


V. Exhibits

1. Report to Mayor and City Council dated March 18, 2008
2. Draft ordinance
3. California Penal Code Section 3003.5
4. Article by the California Research Bureau dated August 2006

Prepared by: _____
Sheri Repp Loadsman, Planning Manager

Approved by: _____
Sheri Repp Loadsman, Planning Manager



SUPPLEMENTAL REPORT TO PLANNING COMMISSION
AGENDA ITEM 12A: JULY 22, 2008

WORKSHOP TO DISCUSS RESIDENCY, TIME AND DISTANCE
REQUIREMENTS ON REGISTERED SEX OFFENDERS

Jessica's Law

Proposition 83, commonly known as Jessica's Law, became effective November 8, 2006. It prohibits registered sex offenders from living within 2000 feet of schools and parks. The statute includes a provision that allows municipalities to enact ordinances that further restrict the residency of a registered sexual offender. However, the constitutionality of Jessica's Law is now in question as the California Supreme Court has stayed the revocation of probation for violations of Jessica's Law until it can review the residency restrictions. Jessica's Law is known as Penal Code Section 3003.5 and reads as follows:

(a) Notwithstanding any other provision of law, when a person is released on parole after having served a term of imprisonment in state prison for any offense for which registration is required pursuant to Section 290, that person may not, during the period of parole, reside in any single family dwelling with any other person also required to register pursuant to Section 290, unless those persons are legally related by blood, marriage, or adoption. For purposes of this section, "single family dwelling" shall not include a residential facility which serves six or fewer persons.

(b) Notwithstanding any other provision of law, it is unlawful for any person for whom registration is required pursuant to Section 290 to reside within 2000 feet of any public or private school, or park where children regularly gather.

(c) Nothing in this section shall prohibit municipal jurisdictions from enacting local ordinances that further restrict the residency of any person for whom registration is required pursuant to Section 290.

As noted in Jessica's Law, there are restrictions associated with the number of registered sex offenders that can reside in a single family dwelling. However, the law does not restrict apartment buildings, motels and hotels from having a concentration of registered sexual offenders since each room or unit would be seen as a "single-family dwelling". In addition, the exception for residential facilities serving six or less allows for a concentration of registered sex offenders residing in "sobriety homes" or similar facilities.

Summary of Sex Offender Statistics

Statistical information indicates that the supervised release of sex offenders has only been marginally effective from keeping them from committing another sex offense. Studies have found the following:

- Reported recidivism rates for sex offenders are as high as 45% with the Department of Justice reporting that sex offenders are the least likely to be cured and the most likely to re-offend. It is widely accepted that the pedophiles can only be controlled with medication.
- Of released offenders who committed another crime, 40% perpetrated the new offense within a year or less from their prison discharge, a fact which led the Legislature to adopt legislation for increased supervision of sex offenders in the period immediately following release from incarceration.
- An estimated 24% of those serving time for rape and 19% of those serving time for sexual assault had been on probation or parole at the time of their offense.
- On a given day in the U.S. there are approximately 234,000 offenders convicted of rape or sexual assault that are under the care, custody, or control of corrections agencies. Of this number, nearly 60% or 140,400 of these sex offenders are under conditional supervision in the community.

Carson Map: Location of Sex Offenders

An exhibit to the July 22, 2008 Planning Commission staff report shows the locations of all public and private schools and parks and the 2000 foot restricted area currently required by Jessica's Law. The map clearly shows that the statutory 2000-foot buffer around schools and parks significantly limits properties that can be used to house registered sexual offenders. In addition, the map shows locations of known day care facilities to illustrate the proposed 300 foot buffer that would prohibit loitering by sex offenders if the city adopted the provisions within the draft ordinance.

The areas that are outside of the 2000-foot buffer area would be available to house registered sex offenders on a temporary or permanent basis. Concerns have been raised within many communities that hotels, motels, duplexes, apartments and mobilehome parks could receive a concentration of registered sex offenders as a result of the limited housing locations available under Jessica's Law.

Factors to Consider for Draft Ordinance

The draft ordinance is an initial step in creating regulatory land use standards for temporary and permanent residency of registered sex offenders. Other communities have been evaluating similar means to control for concentration issues. Factors to consider include but are not limited to the following:

- Limitation on the number of registered sex offenders that can reside in a hotels, motels, duplexes and apartments. The current law allows each room or unit to be

considered as a "single family" unit. The draft ordinance could be revised to allow only one registered sex offender (unless related by blood, marriage or adoption). No other registered sex offender would be permitted if a separate guest room, unit or apartment was already occupied by a registered sex offender.

- The draft ordinance currently restricts loitering around day care centers. The draft ordinance could be revised to create a buffer zone in which registered sex offenders are prohibited from residing.
- The draft ordinance does not restrict registered sex offenders from residing in close proximity to other registered sex offenders. The draft ordinance could be revised to create a buffer zone to prohibit any registered sex offender from residing within a specified distance of another registered sex offender.
- The proposed ordinance deals with over concentration of multiple registered sex offenders as a land use issue subject to standards associated with a nonconforming use. If at the time of adoption, certain locations were found to have more than the permitted number of registered sex offenders, a reasonable amortization period could be established. Additional consideration is needed to determine the appropriate amortization period. The draft ordinance could be determined to not be retroactive.
- The proposed ordinance prohibits a registered sex offender from loitering in a "child safety zone", defined in the ordinance as a 300-foot radius from a child care center, public or private school, park, public library, swimming or wading pool, commercial establishment that provides any area in or adjacent to such establishment as a children's play area, school bus stop, or any location that facilitates on the property classes or group activities for children.

Conclusion

There is sufficient information to support the adoption of an ordinance to regulate registered sex offenders within Carson. Such an ordinance would address issues not covered in Jessica's Law by reducing the number of locations within Carson where registered sex offenders are permitted to live and better protecting other places occupied by children. The Planning Commission is requested to consider the scope of such an ordinance and determine the level of local regulations needed. The goal is to prevent a disproportionate number of registered sex offenders from locating within the city or a particular neighborhood.

12. NEW BUSINESS DISCUSSION

- A) Workshop to discuss imposing possible residency, time and distance requirements on registered offenders**

Applicant's Request:

The applicant, city of Carson, is requesting to discuss and consider the establishment of an ordinance to regulate the potential for over concentrations of paroled, registered sex offenders citywide.

Staff Report and Recommendation:

Planning Manager Repp and Sheriff Sgt. James Morse presented staff report and recommendation to consider the draft ordinance and provide comments. Issues discussed were land use restrictions/regulations, state and local laws affecting sex offenders, loopholes in Megan's Law, anticipated upcoming Supreme Court ruling regarding Jessica's Law, detached residential care facilities and exemptions from regulations, residential concentration of sex offenders, distance requirements and regulation of loitering around child sensitive zones, GPS tracking devices, state parole activities, required sex offender registration.

It was the consensus of the Commission to regulate the number of sex offenders permitted to live at one parcel, considering a limitation by percentage and capping the number on a larger parcel; to adopt separation standards depending on type of development; and with regard to the 2,000-foot rule, to allow a former sex offender who has been continuously living in one residence for many years following that crime to remain in that residence as long that offender has not committed another sexual offense since the effective date of this ruling.

With regard to the sex offenders living at the Carson Plaza Hotel, Sgt. Morse explained that the number of offenders living at this facility has been voluntarily reduced as a result of the Sheriff's collaborative efforts with the state parole board.

In response to Commissioner Graber's inquiry regarding the sex offenders who live at the Harrison Street address, Assistant City Attorney Morse noted for Commissioner Graber that they are not required to attend any rehab classes while living at this address.

It was the consensus of the Commission to have another workshop to further refine this ordinance and address concentration issues.

Planning Commission Decision:

Chairman Faleto go moved, seconded by Commissioner Cannon, to continue this workshop to September 9th and to schedule a public hearing on September 23rd regarding this matter. Motion carried.

13. WRITTEN COMMUNICATIONS None.

14. MANAGER'S REPORT None.



DRAFT ORDINANCE NO. 08-1413

**AN ORDINANCE OF THE CITY OF CARSON,
CALIFORNIA, AMENDING ARTICLE IX, CHAPTER 1, BY
ADDING SECTION 9122.9, SECTION 9138.72, AND
SECTION 9182.31 AND AMENDING ARTICLE IV BY
ADDING CHAPTER 14 TO CARSON MUNICIPAL CODE
REGARDING RESIDENCE AND LOITERING
RESTRICTIONS FOR SEX OFFENDERS**

WHEREAS, on November 7, 2006 the voters of the State of California overwhelmingly approved Proposition 83, The Sexual Predator Punishment and Control Act, commonly referred to as Jessica's Law, so as to better protect Californians, and, in particular, the children of this State from sex offenders; and

WHEREAS, Proposition 83 enacted subsection (b) of Penal Code § 3003.5 which prohibits any registered sex offender, on parole to the California Department of Corrections and Rehabilitation - Division of Adult Parole Operations, from residing within 2,000 feet of any public or private school, or any park where children regularly gather; and

WHEREAS, Proposition 83, as codified in subsection (c) of Penal Code § 3003.5, authorizes municipal jurisdictions to enact local ordinances that further restrict the residency of any registered sex offender, whether or not on parole or probation; and

WHEREAS, the city of Carson desires to maintain its status as an attractive place of residence for families with children; and

WHEREAS, there are numerous registered sex offenders in the city of Carson, and many of these registered sex offenders are on parole; and

WHEREAS, the city is concerned with recent occurrences within the city, and elsewhere in California, where multiple registered sex offenders have been residing in "clusters" in violation of subsection (b) of Penal Code § 3003.5 which prohibits over concentrations of such offenders; and

WHEREAS, local ordinances authorized by subsection (c) of Penal Code § 3003.5 are permitted to regulate the number of registered sex offenders that reside in a residential facility, including those facilities which serve six or fewer persons and are considered a single family dwelling pursuant to Health and Safety Code § 1566.3; and

WHEREAS, because of the potential dangers associated with multiple registered sex offenders living near families with children and places where children frequently

gather, coupled with the fact that subsection (a) of Penal Code § 3003.5 expressly refers to "single family dwellings" as opposed to multiple family dwellings, Chapter IX and Chapter IV of the Municipal Code need to be amended so as to regulate the number and concentration of registered sex offenders permitted to reside in multiple family dwellings; and

WHEREAS, in addition to public and private schools and parks, the city further finds that California State licensed day care facilities are necessarily included as places where children frequently gather; and

WHEREAS, there is currently no State or local ordinance that prohibits registered offenders from loitering near places where children congregate, therefore Chapter IX and Chapter IV also need to be amended to prohibit registered sex offenders from loitering within a 300 foot radius from locations where children gather; and

WHEREAS, in order to foster compliance with the intent of this ordinance, Chapter IX and Chapter IV further need to be amended so as to establish residency regulations for registered sex offenders and the property owners who rent to them; and

WHEREAS, this ordinance is required for the immediate preservation of the public peace, health, and safety, and it shall be the intent of the City Council to construe this ordinance as having a retroactive application;

NOW THEREFORE, the City Council of the city of Carson, California, does hereby ordain as follows:

Section 1. That the City Council, exercising their independent judgment, finds that the proposed code amendment is exempt from the California Environmental Quality Act (CEQA) Guidelines per Section 15061(b)(3), which exempts projects where it can be positively determined that the activity does not have the potential to cause a significant effect on the environment. The City Council determines that the proposed Code Amendment will not impact the environment.

Section 2. Article IX, Chapter 1, Part 2, Division 2, Section 9122.9 of the Carson Municipal Code entitled "Sex Offender Residency Restrictions" is hereby added to read, in its entirety, as follows:

"Section 9122.9 Sex Offender Residency Restrictions

Permanent and temporary residence for a sex offender is permitted as an accessory use to a mobilehome or dwelling subject to the provisions of CMC Article IV, Chapter 14 and Section 9182.31."



Section 3. Article IX, Chapter 1, Part 3, Division 8, Section 9138.72 of the Carson Municipal Code entitled ""Sex Offender Residency Restrictions within a Mixed-Use or Residential Development" is hereby added to read, in its entirety, as follows:

"Section 9138.72 Sex Offender Residency Restrictions

Permanent and temporary residence for a sex offender is permitted as an accessory use to a mobilehome or dwelling subject to the provisions of CMC Article IV, Chapter 14 and Section 9182.31."

Section 4. Article IX, Chapter 1, Division 2 (Nonconformities), Section 9182.31 of the Carson Municipal Code entitled "Nonconforming Residential Density for Sex Offenders" is hereby added to read, in its entirety, as follows:.

"Section 9182.31 Nonconforming Residential Density for Sex Offenders

A. A lawfully established temporary or permanent residence for a sex offender subject to the provisions of Section 9122.9 and Section 9138.72 shall be permitted to continue indefinitely provided the residential dwelling is not occupied by more than one (1) sex offender, unless those persons are legally related by blood, marriage or adoption.

B. A lawfully established temporary or permanent residence for a sex offender subject to the provisions of Section 9122.9 and Section 9138.72 which becomes nonconforming as a result of two (2) or more sex offenders, not legally related by blood, marriage or adoption, residing in the residential dwelling shall be made conforming within six (6) months from the effective date of the ordinance which results in the nonconformity."

Section 5. Article IV, Chapter 14 of the Carson Municipal Code entitled "Residency and Loitering Restrictions for Sex Offenders" is hereby added to read, in its entirety, as follows:.

"41301 Definitions.

For purposes of this Chapter only, and unless the context clearly requires a different meaning, the words, terms and phrases set forth in this Section are defined as follows:

A. "Dwelling" as defined by Section 9191.202

B. "Dwelling, Single-family" as defined by Section 9191.210.



- C. "Dwelling, Multiple" as defined in Section 9191.026
- D. "Child" or "Children" as defined in Section 9191.086
- E. "Child Care" or "Community Day Care Facility" as defined in Section 9191.090 and Section 9191.126.
- F. "Dwelling, Second Unit" as defined by Section 9191.208.
- G. "Residential Hotel", "Transient Hotel" and "Motel" as defined in Section 9191.298, Section 9191.302 and Section 9191.402.
- H. "Residential Condominium" and "Condominium Unit" as defined in Section 9191.162 and 9191.166.
- I. "Child Safety Zone" shall include those areas located within a three hundred (300) foot radius of a child care center, public or private school, park, public library, swimming or wading pool, commercial establishment that provides any area in or adjacent to such establishment as a children's playground, school bus stop, or any location that facilitates on the property classes or group activities for children.
- J. "Loitering" shall mean to delay, linger, remain or wander without any apparent purpose.
- K. "Mobilehome" as defined by Section 9191.394.
- L. "Owner's Authorized Agent" shall mean any person, firm, association, joint venture, joint stock company, partnership, organization, club, company corporation, business trust or the manager, lessee, agent, servant office or employee authorized to act for the owner of a property.
- M. "Public Park or Playground" as defined by Section 9191.430.
- N. "Permanent Residence" shall mean any occupant who, as of a given date, has either at his or her own expense or at the expense of another, obtained the right of occupancy in a residential dwelling for which rent was charged and paid in advance for a minimum of one (1) month.
- O. "Property Owner" shall mean the owner of record of any parcel of real property as designated on the county assessor's tax roll or a holder of a subsequently recorded deed to the property, and shall include any



part owner, joint owner, tenant, tenant in common, or joint tenant, of the whole or part of such a building or land.

P. "Residential Exclusion Zone" means a zone in which a Sex Offender is prohibited from temporarily or permanently residing, and includes those areas located in the following distances:

1. two thousand (2,000) feet of the closest property line of the subject property to the closest property line of a public or private school or park; or
2. three hundred (300) feet of the closest property line of the subject property to the closest property line of a child care center.

Q. "Responsible Party" shall mean the property owner and/or the owner's authorized agent.

R. "Sex Offender" means any person for whom registration is required pursuant to Section 290 of the California Penal Code, regardless of whether that person is on parole or probation.

S. "Temporary Residence" means any occupant who, for a period of less than one (1) month, either at his or her own expense or at the expense of another, obtains the right of occupancy for which rent is charged.

41302 Violation of Child Safety Zone.

No Sex Offender shall loiter in a Child Safety Zone except as follows:

1. Where the Sex Offender is a minor, and he/she is present within three hundred (300) feet of a Child Safety Zone while accompanied by a parent or legal guardian.
2. Where the Sex Offender is present within three hundred (300) feet of a Child Safety Zone only because he/she is accompanying a Related Minor to that site and only for so long as necessary to provide care and/or supervision to the Related Minor. As used herein, Related Minor means a minor to whom the Sex Offender is the legal parent or guardian.
3. Where the Sex Offender is exercising First Amendment rights protected by the United States Constitution, such as the free exercise of



religion at a place of worship, or freedom of speech or the right of assembly at a traditional public forum.

41303 Violation of Residential Exclusion Zone.

No Sex Offender shall permanently or temporarily reside in a Residential Exclusion Zone.

41304 Sex Offender Violation – Dwellings

No Sex Offender shall obtain occupancy in a Mobile Home, a Single Family Dwelling, Second Unit Dwelling, Multiple Dwelling, or a Residential Condominium Unit already occupied by a Sex Offender, unless those persons are legally related by blood, marriage or adoption.

41305 Sex Offender Violation – Multiple Dwellings and Mobilehome Parks – Permanent Resident

No Sex Offender shall be a Permanent or Temporary Resident in a Multiple Dwelling if ten percent (10%) or up to a maximum of 6 units of the total dwelling units within the Multiple Dwelling are already occupied by Sex Offenders (“Occupied Units”). Notwithstanding the above, a Sex Offender may be a Permanent or Temporary Resident of an Occupied Unit within a Multiple Dwelling, without violating the restrictions contained herein, if the Occupied Unit is occupied by another sex offender legally related to the Sex Offender by blood, marriage or adoption.

41306 Sex Offender Violation – Hotel/Motel/Rooms.

No Sex Offender shall obtain occupancy in a guest room of a Hotel, Residential Hotel, or Motel already occupied by a Sex Offender, unless those persons are legally related by blood, marriage or adoption.

41307 Sex Offender Violation – Hotel/Motel/Rooms – Permanent Resident.

No Sex Offender shall be a Permanent or Temporary Resident in a Hotel, Residential Hotel, or Motel if ten percent (10%) or up to a maximum of 6 units of the total dwelling units within the Hotel, Residential Hotel, or Motel are already occupied by Sex Offenders (“Occupied Units”). Notwithstanding the above, a Sex Offender may be a Permanent or Temporary Resident of an Occupied Unit within a Hotel, Residential Hotel, or Motel without violating the restrictions contained



herein, if the Occupied Unit is occupied by another sex offender legally related to the Sex Offender by blood, marriage or adoption.

41308 Responsible Party Violation – Permanent Residence.

No Responsible Party shall knowingly rent a Mobilehome or Dwelling to more than one (1) Sex Offender during any given period of tenancy, unless those persons are legally related by blood, marriage or adoption.

41309 Responsible Party Violation – Temporary Residence.

No Responsible Party shall knowingly rent a Mobilehome or Dwelling to more than one (1) Sex Offender during any given period of tenancy, unless those persons are legally related by blood, marriage or adoption.

41310 Responsible Party Violation – Hotel/Motel/Rooms.

No Responsible Party shall knowingly exceed the number of units occupied by a Sex Offender subject to CMC Section 41307 or rent a guest room in a Hotel, Residential Hotel, or Motel to more than one (1) Sex Offender, unless those persons are legally related by blood, marriage or adoption.

41311 Penalties.

Every person who fails to obey and comply with any provisions of CMC Section 9122.9, CMC Section 9138.72, CMC Section 9182.31 or this Chapter or who violates any such provision or who causes such failure, disobedience or violation, shall be deemed guilty of a misdemeanor and shall be subject to the penalties as set forth in Section 1200 of this Code.

41312 Criminal Penalties Do Not Satisfy Administrative or Civil Actions.

Neither the arrest, prosecution, conviction, imprisonment, or payment of any fine for the violation of CMC Section 9122.9, CMC Section 9138.72, CMC Section 9182.31 or this Chapter shall satisfy or diminish the authority of the city to institute administrative or civil actions seeking enforcement of any or all of the provisions of this Chapter.

41313 Civil Actions.

Any person required to comply with any or all of the provisions of CMC Section 9122.9, CMC Section 9138.72, CMC Section 9182.31 or this Chapter shall be liable in an action filed by the city in any court of



competent jurisdiction in order to enforce such provision and to pay such reasonable costs of the suit as the court may deem appropriate, including any and all attorney fees incurred by the city in the prosecution of said enforcement action.”

Section 6. The Los Angeles County Sheriff's Department is directed to send copies of this ordinance to any Sex Offender who, on the effective date of this ordinance, is registered as living within the city of Carson.

Section 7. The City Attorney is directed to send copies of this ordinance to those Property Owners identified by the Los Angeles County Sheriffs Department who, on the effective date of this ordinance, own Mobilehomes, Single Family Dwellings, Multi-family Apartment Houses, Second Unit Dwellings, Residential Condominiums and/or commercial Hotels, Motels, and/or Inns occupied by more than one Sex Offender.

Section 8. City Attorney is directed to send a copy of this ordinance, on the effective date of this ordinance, to the California Department of Corrections and Rehabilitation, Division of Adult Operations.

Section 9. Notwithstanding any provision of this ordinance to the contrary, any Responsible Party in violation of the provisions of Section 9122.9, Section 9138.72 and CMC Article IV, Chapter 14, prior to the effective date of this ordinance, shall be granted a six (6) month compliance period, commencing on the effective date of this ordinance, to bring their property into conformity with the provisions of Section 9122.9, Section 9138.72 and Section 9182.31.

Section 10. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that anyone or more sections, subsections, clauses, phrases or portions be declared invalid or unconstitutional.

Section 11. The City Clerk shall certify to the passage of this ordinance and cause it to be posted in three conspicuous places in the city of Carson, and it shall take effect on the thirty-first (31) day after it is approved by the Mayor.



PASSED, APPROVED, and ADOPTED this ____ day of _____, 2008.

Mayor, Jim Dear

ATTEST:

City Clerk, Helen Kawagoe

APPROVED AS TO FORM:

William W. Wynder, City Attorney





CITY OF CARSON

PLANNING COMMISSION STAFF REPORT

NEW BUSINESS DISCUSSION: September 9, 2008
 SUBJECT: Modification No. 9 to
 Design Overlay Review No. 831-03
 APPLICANT: Sharron King, General Growth Properties
 REQUEST: Establishment of a farmers' market at the South
 Bay Pavilion
 PROPERTIES INVOLVED: 20700 S. Avalon Boulevard

COMMISSION ACTION

- Concurred with staff
 Did not concur with staff
 Other

COMMISSIONERS' VOTE

AYE	NO		AYE	NO	
		Faletogo – Chairperson			Saenz
		Cannon			Verrett
		Graber			

I. Introduction

Applicant

- General Growth Properties
Attn: Sharron King
20700 S. Avalon Blvd., Suite No. 620
Carson, CA 90746

Operator

- Coastal Pacific, LLC

Property Owner

- HREG Genesis Carson, LLC
17461 Derian Ave., Suite 106
Irvine, CA 92614

Project Address

- 20700 S. Avalon Boulevard

Proposed Project

The applicant, Sharon King representing General Growth Properties, is proposing to relocate the farmers' market from the Community Center parking lot to the South Bay Pavilion. Opening date is scheduled for September 25, 2008. The event will take place every Thursday from 8 a.m. to 1 p.m. and will be located in the South Bay Pavilion parking lot between the food court/main entrance and Avalon Boulevard. Parking for customers will be available behind the Chili's restaurant adjacent to the farmers' market. Directional signs will be installed to guide traffic. Coastal Pacific, LLC, an experienced company in managing farmers' markets, will be obtained as the marketing manager and operator.

The South Bay Pavilion Farmers' Market will initially provide 24 sellers with most sellers from the Carson Farmers' Market anticipated to participate. Coastal Pacific, LLC, working in conjunction with the mall management, will select sellers whose products do not conflict with current mall tenants or who provide high quality, diverse services or products.

II. Background

The California Department of Food and Agriculture reports approximately 520 certified farmers' markets in California with 97 located in Los Angeles County. The Carson Farmers' Market has been operating in the eastern parking lot of the Community Center since June 6, 1996. On July 1, 2008, the City Council held a workshop to discuss the city's budget and strategies on reducing costs. One major item of discussion was the continuation of the farmers' market which relies on city subsidy. As an alternative, Parks and Recreation staff conducted research and contacted the applicant to discuss potentially transferring the farmers' market to the mall. The City Council ultimately decided that the farmers' market was too costly and decided to end the operation on October 31, 2008.



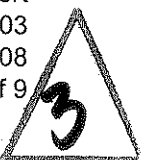
On September 2, 2008, an item was placed on the City Council agenda discussing the transition of the Farmers' Market to the South Bay Pavilion. Plans are progressing with the expectation that the new farmer's market will open on September 25, 2008. The South Bay Pavilion has recently been renovated and a farmers' market could be an opportunity to provide locally-grown fresh produce to the community. Furthermore, GGP's founders originally started in the grocery business in 1954 and see this as an opportunity to get back to their roots. Currently, GGP manages 200 shopping centers in 45 states with six farmers' markets operating at the following locations:

- Oakwood Mall, Eau Claire, WI
- Otay Ranch Town Center, Chula Vista, CA
- NewPark Mall, Newark, CA
- Northridge Fashion Center, Northridge, CA
- Queen Ka'ahumanu Center, Kahalui, HI
- SouthWest Plaza, Littleton, CO

The applicant may request support from the city in terms of equipment (i.e. banners and signs) and resources (advertising in Parks and Recreation Guide, city website, etc.) currently in use at the Carson Farmers' Market. The City Council will be considering this matter at its meeting on September 17, 2008.

Previously Approved Discretionary Permits

- On October 22, 1991, the Planning Commission approved Variance No. 353-91 for the reduction of the required side and rear yard setbacks for the 57,000 square foot IKEA warehouse/office building, which brings the total size of the IKEA building to 206,500 square feet (Resolution No. 91-1418).
- On November 5, 1991, the Redevelopment Agency approved Design Overlay Review No. 547-91 to renovate the mall. Also included were three (3) new building pads (10,000 square feet, 12,000 square feet, and 15,000 square feet) along Avalon Boulevard and Dominguez Street for future tenants.
- On November 5, 1991, the Redevelopment Agency approved Design Overlay Review No. 548-91 for the IKEA department store (Resolution No. 91-36). The project included the addition of 57,000 square feet of warehouse/office building bringing the total size of the IKEA building to 206,500 square feet.
- On September 22, 1992, the Planning Commission approved Variance No. 364-92 for the IKEA monument signs and flagpoles (Resolution No. 92-1466).
- On September 22, 1992, the Planning Commission approved Variance No. 365-92 for a 70-foot high pylon sign for the South Bay Pavilion located at the corner of Avalon Boulevard and Dominguez Street (Resolution No. 92-1465).



- On May 4, 2004, the Redevelopment Agency approved Design Overlay Review No. 03-09-831 (DOR No. 831-03) for 57,049 square feet of additional net building area, bringing the total building area for the South Bay Pavilion to 1,024,563 square feet.
- On June 28, 2005, the Planning Commission recommended approval of Zone Change Case No. 148-05 to the City Council in order to apply the Mixed Use Residential standards to the site by changing the zone from CR-D to CR-MUR-D (Commercial, Regional – Mixed Use Residential – Design Overlay). On July 19, 2005, and August 2, 2005, the City Council approved the first and second reading for Ordinance No. 05-1338. The Ordinance became effective September 1, 2005.
- On August 9, 2005, the Planning Commission approved Tentative Parcel Map No. 62572 for the subdivision of three (3) lots into (6).
- Subsequent modifications to DOR No. 831-03 were approved as follows:
 - Modification No. 1: July 27, 2004, Original sign program;
 - Modification No. 2: April 26, 2005, Design of the Chili's building;
 - Modification No. 3: April 26, 2005, Design of the Washington Mutual building;
 - Modification No. 4: April 26, 2005, Alterations to the design of the main mall area;
 - Modification No. 5: August 9, 2005, Redesign of the pylon and monument signs;
 - Modification No. 6: September 27, 2005, Design of the 24 Hour Fitness building;
 - Modification No. 7: January 24, 2006, Modification of the sign program; and
 - Modification No. 8: June 12, 2007, Exterior modifications for Old Navy and exterior tenant pads.

III. Analysis

Location/Site Characteristics/Existing Development

- The project site is located in a developed, suburban area bounded by Del Amo Boulevard to the north, Leapwood Avenue to the east, Dominguez Street to the south, and Avalon Boulevard to the west. There is a gas station adjacent to the mall property on the southeast corner of Avalon Boulevard and Del Amo Boulevard which abuts the mall, but is not part of it. To the north of the mall is a shopping center, Del Amo Park, and single-family residences; to the east are



apartments, and light industrial buildings, to the south are commercial businesses, a private elementary and secondary school, a hotel, and automotive repair shops; to the west are restaurants, retail businesses, automotive repair shops, a private elementary school, and an office park.

General Plan/Zoning/Redevelopment Area Designation

- The City updated the General Plan Land Use Element on October 11, 2004, and changed the land use designation of the South Bay Pavilion from Regional Commercial to Mixed Use – Residential.
- Properties to the south and west have a General Plan Land Use Designation of Regional Commercial; to the north are properties designated Regional Commercial and Open Space; to the northeast is an apartment complex designated for High Density Residential; and to the east and southeast are properties designated Light Industrial.
- The South Bay Pavilion is zoned CR-MUR-D (Commercial, Regional – Mixed Use Residential – Design Overlay). Properties to the south and west are in the CR-D zone; to the north are properties zoned CR-D and OS; to the northeast is an apartment complex in the RM-25 (Residential, Multifamily – 25 Units Per Acre) zone; and to the east and southeast are properties zoned ML (Manufacturing, Light).
- The subject property and all surrounding properties south of Del Amo Boulevard, except for the apartment complex to the northeast, are within Redevelopment Project Area No. 1, adopted in 1971.

Farmers' Markets in Other Cities

Staff has contacted planners at other cities to understand their regulations of farmers' markets. Below is a summary of staff's findings:

- Otay Ranch Town Center, Chula Vista, CA – The farmers' market is located in a specific plan area and was approved administratively by the Zoning Administrator under a condition use permit (CUP). The approval is effective for five (5) years after which the applicant may request an extension of time. Conditions of approval were included to ensure the farmers' market is well maintained. The city did not provide financial assistance.
- NewPark Mall, Newark, CA – Farmers' market site located in a planned unit development (PUD). The use requires a PUD permit and CUP since the use was not specifically mentioned in the zoning ordinance. Permits are good for one (1) year after which the applicant must receive an extension from the Planning Commission and City Council. Conditions were imposed to address noise (i.e., loudspeakers, music) and police concerns. The city did not provide financial assistance since the farmers' market is a private venture.

Applicable Zoning Ordinance Regulations

The project site is located in the Design Overlay District and the proposed project is subject to the approval of a development plan in accordance with the Site Plan and Design Review (DOR) procedures as provided in Section 9172.23.

Currently, the Zoning Ordinance does not specifically address the use of a farmers' market, but does allow a parking lot sale under Director's review or a festival subject to City Council authorization. One of the criteria for a parking lot sale is that it can only be conducted by nonprofit organizations and merchants with a permanent location. In this case, the applicant will host the farmers' market. Staff has determined that the existing DOR No. 831-03 should be modified to specifically authorize the farmers' market use and location. Under the DOR process, the city has more discretion overseeing the farmers' market through conditions of approval which may include a restriction on the hours of operation, number of events per year, and noise and nuisance issues. On September 17, 2008, the City Council will also be asked to approve the farmers' market use and to consider any special authorization needed to support the transition to the South Bay Pavilion.

Required Findings: Site Plan and Design Review

Conditions No. 17 and 54 of Redevelopment Agency Resolution No. 04-13, which approves Design Overlay Review No. 03-09-831 allows the Planning Commission rather than the Redevelopment Agency to review and approve modifications to the project.

Pursuant to Section 9172.23(D), Site Plan and Design Review, Approving Authority Findings and Decision, the Planning Commission may approve the proposal only if the following findings can be made in the affirmative:

1. Compatibility with the General Plan, any specific plans for the area, and surrounding uses.
2. Compatibility of architecture and design with existing and anticipated development in the vicinity, including the aspects of site planning, land coverage, landscaping, appearance and scale of structures and 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 that have been adopted pursuant to Section 9172.15.

All of the required findings pursuant to Section 9172.23(d), "Site Plan and Design Review, Approval Authority and Findings and Decision" can be made in the affirmative. Details can be found in the attached Resolution.



Issues of Concern

- Issue – Length of Time: The applicant requests to have this event indefinitely every Thursday. In order to monitor the event and make sure it is managed at a high level, staff recommends that the Planning Commission reevaluate the Farmers' Market in three (3) years. This will ensure that the Farmers' Market is maintained at a high level and does not degrade to an outdoor swap meet.
 - *Proposed Condition*: This permit shall expire three (3) years after the date of its approval on September 9, 2011. Prior to the expiration date, the Applicant may request an extension of this Modification No. 9 to DOR No. 831-03 from the Planning Commission with the required fees. The Planning Commission shall review the request for compliance with the conditions of approval and shall determine, in consultation with the Applicant, whether the project would be approved, denied or modified from its original approval as part of the extension request.
 - *Proposed Condition*: The applicant shall encourage the participation of produce sellers to the extent feasible. Variety in the type of sellers is encouraged, however, at no time shall the Farmers' Market be composed primarily of non-agricultural and craft vendors. The applicant shall be in violation of these Conditions of Approval if, as determination by the Planning Manager, the event becomes a swap meet or flea market as defined by the Carson Municipal Code.

- Issue – Parking: The mall could lose up to 138 parking spaces depending on the ultimate layout of the Farmers' Market. Furthermore, the proposed location is one of the most popular parking areas at the mall since it is closest to the main entrance and the food court. Staff anticipates that customers will adjust during the operation of the Farmers' Market and park elsewhere. The mall provides over 4,400 parking spaces, much more than required by the Carson Municipal Code, which are shared amongst tenants and department stores under a reciprocal easement agreement (REA). Although it may create an inconvenience to customers, underutilized parking is located behind the mall along Leapwood Avenue and Del Amo Boulevard. Staff recommends including a condition to require a reevaluation of the Farmers' Market to make sure parking does not become problematic.
 - *Proposed Condition*: The applicant shall obtain an annual extension for the Farmers' Market from the Planning Commission. The Planning Commission shall ensure that the Farmers' Market does not interfere with circulation and parking at the mall, and shall evaluate concerns from customers, mall tenants, and sellers appropriately in its decision.
 - *Proposed Condition*: The applicant shall inspect the every Farmers' Market area for cleanliness and ensure the condition of all driveways and parking areas are ready to open to vehicular traffic.



- Issue – Farmers’ Market Rules and Regulations: The sellers at the current Farmers’ Market are required to abide by the rules and regulations provided by the city of Carson. A similar document must be prepared by the applicant to ensure that sellers comply with all rules and regulations. The document must also include a site plan showing where each seller will be stationed.
 - *Proposed Condition:* The applicant shall provide the Planning Division with a Rules and Regulations manual to be distributed to all sellers of the Farmers’ Market. The manual shall include a site plan indicating the location of each seller and their responsibilities, and provisions to control for signage for each seller. The site plan shall be reviewed and approved by the Planning Division to ensure that it is in substantial conformance with the approval of the Planning Commission in terms of location and number of parking spaces occupied by the event.

- Issue – Certified Through the Department of Food and Agriculture: The existing farmers’ market at the Community Center is certified by the California Department of Food and Agriculture (CDFA). To preserve the integrity of the farmers’ market, the applicant must continue to be certified by CDFA and all produce sellers must obtain a Certified Producer’s Certificate through CDFA. The applicant must obtain insurance for the farmers’ market.
 - *Proposed Condition:* The Farmers’ Market shall be certified by the California Department of Food and Agriculture (CDFA). All produce sellers must obtain a Certified Producer’s Certificate through CDFA. All requirements of the CDFA shall be met. Proof of certification by CDFA for the Farmers’ Market and all produce sellers shall be provided to the Planning Division prior to commencing operation.
 - *Proposed Condition:* Proof of insurance for the Farmers’ Market shall be obtained by the applicant and provided to the Planning Division prior to commencing operation.

- Issue – Signage: To control for temporary signage, the following conditions are proposed:
 - *Proposed Condition:* All signs shall comply with the approved sign program for the South Bay Pavilion on file at the Planning Division in City Hall. Temporary banners to promote the event and directional signs may be installed on the South Bay Pavilion property with prior approval by the Planning Division. Offsite signs located on the public right-of-way are prohibited unless an encroachment permit is issued by the Public Works Division prior to installation.
 - *Proposed Condition:* Signage for sellers at their allocated space shall be reviewed and approved by the Farmers’ Market management prior to installation.



IV. Conclusion

The Farmers' Market is a community asset on many levels. It offers farmers a means by which they can keep more of the profits of their labors, supports the preservation of diverse food crop varieties, provides residents with a connection to local agriculture, lessens the distance that food travels from farm to consumer, educates consumers, and creates a heightened sense of community. The South Bay Pavilion is committed to providing the community with a festive atmosphere along with the ability to purchase fresh, quality produce.

V. Recommendation

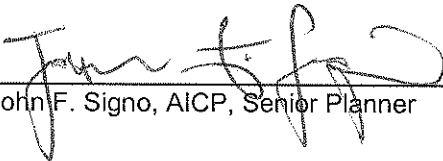
That the Planning Commission:

- APPROVE Modification No. 9 to Design Overlay Review No. 831-03, subject to the conditions attached as Exhibit "B" to the Resolution; and
- WAIVE further reading and ADOPT Resolution No. _____ entitled, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON APPROVING MODIFICATION NO. 9 TO DESIGN OVERLAY REVIEW NO. 831-03 FOR THE OPERATION OF A FARMERS' MARKET AT THE SOUTH BAY PAVILION LOCATED AT 20700 S. AVALON BOULEVARD."


VI. Exhibits

1. Draft Resolution
2. Applicant's letter with Project Description and Site Plan
3. City of Carson Certified Farmers' Market Rules and Regulations
4. List of Certified Farmers' Markets in Los Angeles County as prepared by the California Department of Food and Agriculture

Prepared by:


John F. Signo, AICP, Senior Planner

Approved by:


Sheri Repp Loadsman, Planning Manager



CITY OF CARSON
PLANNING COMMISSION

RESOLUTION NO. 08-_____

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF CARSON APPROVING MODIFICATION NO. 9 TO
DESIGN OVERLAY REVIEW NO. 831-03 FOR THE OPERATION
OF A FARMERS' MARKET AT THE SOUTH BAY PAVILION
LOCATED AT 20700 S. AVALON BOULEVARD**

**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, Sharron King, with respect to real property located at 20700 S. Avalon Boulevard, and described in Exhibit "A" attached hereto, requesting the approval of Modification No. 9 to Design Overlay Review (DOR) No. 831-03 to operate a farmers' market at the South Bay Pavilion in front of the main entrance on Avalon Boulevard.

A Planning Commission meeting was duly held on September 9, 2008, 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 proposed use and development is consistent with the General Plan and Redevelopment Plan for Project Area No. 1, which designates the subject property for Mixed Use-Residential and commercial uses.

b) The proposed project is part of the South Bay Pavilion shopping center and is compatible with the architecture and design of existing and anticipated development in the shopping center, including site planning, land coverage, landscaping, appearance, scale of structures and open space.

c) The project site is part of a planned development for the South Bay Pavilion shopping center and must comply with the requirements of the reciprocal easement agreement (REA) for the center. Adequate parking spaces will be available and adequate circulation will be provided to assure the convenience and safety of pedestrians and vehicles. The proposed development will have direct access to Avalon Boulevard, and secondary access is provide on Dominguez Street, Del Amo Boulevard, and Leapwood Avenue via internal driveways within the parking lot of the shopping center.

d) A sign program for the South Bay Pavilion has been approved. All signage associated with this project will comply with the approved sign program in order to assure attractiveness and compatibility with the rest of the shopping center. Conditions of approval have been included to address temporary signs.

e) The project involves no potential for any adverse effect, either individually or cumulatively, on wildlife resources and therefore a De Minimis Impact Finding is made relative to AB 3158, Chapter 1706, Statutes of 1990.



Section 4. The Mitigated Negative Declaration for the South Bay Pavilion approved by the Planning Commission on March 23, 2004, covers this Modification No. 9 to DOR 831-03. No significant impacts will occur upon approval of the proposed project.

Section 5. Based on the aforementioned findings, the Commission hereby approves Modification No. 9 to Design Overlay Review No. 831-03 with respect to the property described in Section 1 hereof, subject to the conditions set forth in Exhibit "B" attached hereto.

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 9th DAY OF September, 2008

CHAIRPERSON

ATTEST:

SECRETARY



EXHIBIT "A"

LEGAL DESCRIPTION

The properties described herein is situated in the County of Los Angeles, State of California, and is described as follows:

Parcels 1 thru 5, in the City of Carson, as shown on Parcel Map No. 2328 filed in book 37, pages 4 to 6 inclusive of parcel maps, in the office of the County Recorder of said county.

CITY OF CARSON
DEVELOPMENT SERVICES GROUP
PLANNING DIVISION
EXHIBIT "B"
CONDITIONS OF APPROVAL

DESIGN OVERLAY REVIEW NO. 831-03 MODIFICATION NO. 9

GENERAL CONDITIONS

1. If Modification No. 9 to Design Overlay Review No. 831-03 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 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.
3. The applicant shall comply with all city, county, state and federal regulations applicable to this project.
4. The applicant shall make any necessary site plan and design revisions to the site plan and elevations approved by the Planning Commission as Exhibit "C-1", 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.
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. 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.
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.



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. The Applicant shall defend, indemnify and hold harmless the City of Carson, its agents, officers, or employees from any claims, damages, action, or proceeding against the City or its agents, officers, or employees to attack, set aside, void or annul, and approval of the City, its advisory agencies, appeal boards, or legislative body concerning Design Overlay Review (DOR) No. 831-03 and associated modifications. 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.

AESTHETICS

10. There shall be no deviation of architectural design or details from the approved set of plans. Any alteration shall be first approved by the Planning Division.
11. The subject property shall be maintained at all times to present an attractive appearance to the satisfaction of the Planning Division.

PARKING

12. All parking areas and driveways shall remain clear. No encroachment into parking areas and/or driveways shall be permitted.
13. The applicant shall obtain an annual extension for the Farmers' Market from the Planning Commission. The Planning Commission shall ensure that the Farmers' Market does not interfere with circulation and parking at the mall, and shall evaluate concerns from customers, mall tenants, and sellers appropriately in its decision.

FARMERS' MARKET

14. The applicant shall provide the Planning Division with a Rules and Regulations manual to be distributed to all sellers of the Farmers' Market. The manual shall include a site plan indicating the location of each seller and their responsibilities, and provisions to control for signage for each seller. The site plan shall be reviewed and approved by the Planning Division to ensure that it is in substantial conformance with the approval of the Planning Commission in terms of location and number of parking spaces occupied by the event.



15. The Farmers' Market shall be certified by the California Department of Food and Agriculture (CDFA). All produce sellers must obtain a Certified Producer's Certificate through CDFA. All requirements of the CDFA shall be met. Proof of certification by CDFA for the Farmers' Market and all produce sellers shall be provided to the Planning Division prior to commencing operation.
16. Proof of insurance for the Farmers' Market shall be obtained by the applicant and provided to the Planning Division prior to commencing operation.
17. The applicant shall encourage the participation of produce sellers to the extent feasible. Variety in the type of sellers is encouraged, however, at no time shall the Farmers' Market be composed primarily of non-agricultural and craft vendors. The applicant shall be in violation of these Conditions of Approval if, as determination by the Planning Manager, the event becomes a swap meet or flea market as defined by the Carson Municipal Code.
18. The applicant shall inspect the every Farmers' Market area for cleanliness and ensure the condition of all driveways and parking areas are ready to open to vehicular traffic.
19. Approval of this request shall not waive compliance with all sections of Article IX (Planning and Zoning) of the Municipal Code, and all other applicable City Ordinances in effect at the time of approval.
20. This permit shall expire three (3) years after the date of its approval on September 9, 2011. Prior to the expiration date, the Applicant may request an extension of this Modification No. 9 to DOR No. 831-03 from the Planning Commission with the required fees. The Planning Commission shall review the request for compliance with the conditions of approval and shall determine, in consultation with the Applicant, whether the project would be approved, denied or modified from its original approval as part of the extension request.

SIGNS

21. All signs shall comply with the approved sign program for the South Bay Pavilion on file at the Planning Division in City Hall. Temporary banners to promote the event and directional signs may be installed on the South Bay Pavilion property with prior approval by the Planning Division. Offsite signs located on the public right-of-way are prohibited unless an encroachment permit is issued by the Public Works Division prior to installation.
22. Applicant shall be permitted to display temporary Farmers' Market signs along Avalon Boulevard at the driveway entrances on the day of the event. Signs shall be removed on the same day after every event.
23. Signage for sellers at their allocated space shall be reviewed and approved by the Farmers' Market management prior to installation.



BUSINESS LICENSE DEPARTMENT

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



Historical Background

The City of Carson Farmers Market opened on June 6, 1996 and has strived to provide the City's residents with fresh produce grown locally in California. On July 1, 2008, the City of Carson City Council held a meeting to discuss the City's budget. One major item of the discussion was the feasibility to continue the Farmers Market. Although the decision was made to eventually close the Farmers Market, City Council approved to extend the Farmers Market until October 31, 2008.

The Parks and Recreation Department's staff contacted the General Growth Properties (GGP) management team at SouthBay Pavilion to discuss the potential to transfer the 12 year old Farmers Market to the newly redeveloped shopping center's ongoing management.

GGP's founders, brothers Martin and Matthew Bucksbaum started out in the grocery business in Des Moines, Iowa in 1954. While grocery stores are no longer the focus of this publicly traded company, a connection to the food industry continues through its Farmer's Market program.

In 1997, GGP's leadership encouraged mall teams to initiate on-site Farmer's Markets at their properties.

SouthBay Pavilion Farmer's Market

Today, GGP's portfolio includes over 200 regional shopping centers in 45 states with 6 Farmer's Markets and growing.

Existing GGP's Farmers Markets:

- | | |
|------------------------------|-----------------|
| 1. Oakwood Mall | Eau Claire, WI |
| 2. Otay Ranch Town Center | Chula Vista, CA |
| 3. NewPark Mall | Newark, CA |
| 4. Northridge Fashion Center | Northridge, CA |
| 5. Queen Ka'ahumanu Center | Kahalui, HI |
| 6. SouthWest Plaza | Littleton, CO |

Project Description

The opportunity to host a Farmers Market at SouthBay Pavilion is a welcome one for several reasons:

- To be a link to a healthier community by offering fresh produce, high quality prepared foods and handcrafted items through a well-planned, successful farmer's market.
- To provide an enhanced local shopping experience.
- To serve as a community gathering place.

While the Farmer's Market at SouthBay Pavilion is intended to be a high quality, diverse, special event for the community, some exclusion to the current vendor line-up is anticipated. This change is mostly due to contractual arrangements with the existing permanent tenants at SouthBay Pavilion. Others may be due to vendor operation requirements. Requirements which are apart of the vendor rules and regulations will be made available to any vendors interested in participating in the SouthBay Pavilion Farmer's Market.

Target Market includes:

- Local office and industrial/business park workers
- Carson residents
- The 200,000+ cars that traverse Avalon Boulevard daily
- Current shoppers who make up SouthBay Pavilion's trade area which encompasses 36 zip codes

Advertising and Public Relation efforts include:

- Full page announcement in the Carson Report and City of Carson Recreational Guide which will be sent to 27,000 Carson residents
- Mall Website and Monthly E-mail blasts
- Postcard and Flyer distribution
- In mall interior and exterior signage
- Media Advisories and Press Releases
- Light pole blade signs on Avalon Blvd.

In Conclusion

General Growth Properties is privileged to inherit a market with a long standing history in the City of Carson. Management intends to develop the current farmer's market so that it draws from a wider community base, increases traffic and sales tax for the City of Carson and creates a positive experience for all shoppers.

With the support of the various commissions, staff and elected officials, General Growth Properties anticipates a seamless transition between the City's Farmers Market and the Grand Opening at SouthBay Pavilion.



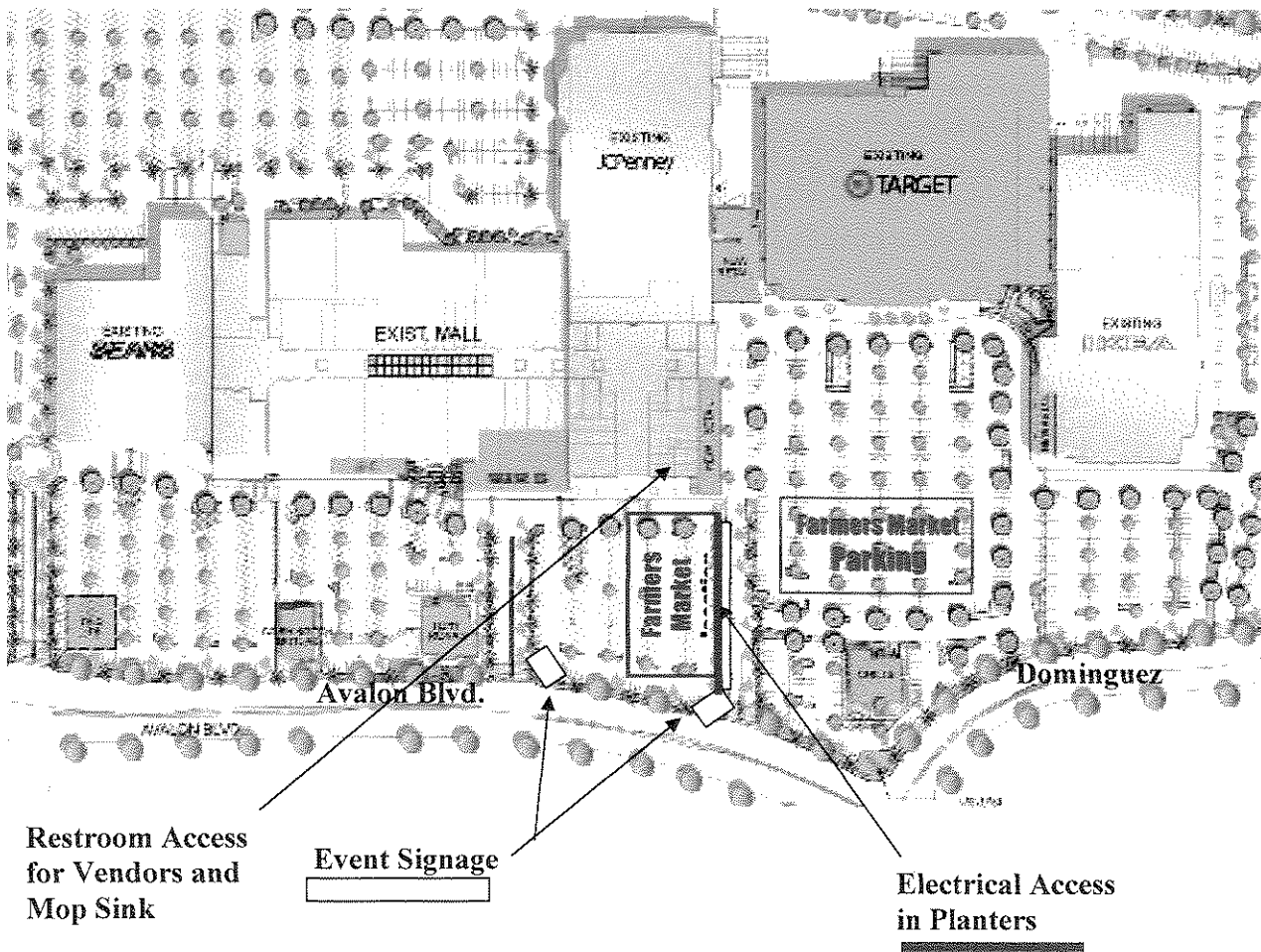
Farmers Market Operation:

Anticipated Grand Opening Date: Thursday, September 25, 2008
Operating Hours / Frequency: Weekly, Thursday, 8am - 1pm, Year Round
Number of vendors: 24 (estimated)
Electricity: See diagram below
Plumbing: See diagram below

General Growth Properties will hire as the market manager Coastal Pacific, LLC, which is owned and operated by Mark Rochin. Mr. Rochin is an experienced Farmers Market Manager who manages several Farmers Markets including the Farmers Market at Northridge Fashion Center in Northridge, California.

Farmers Market Location: Center/West-Main Parking lot facing Avalon Boulevard and in front of Main entrance, parking lot between Chili's and Tony Roma's restaurants.

Impact on Parking: Cars will be directed to park south of the Radio Shack & Chili's driveway (behind Chili's restaurant) and north of main entrance.



City of Carson Certified Farmers' Market Rules and Regulations

I. DEFINITIONS

1. Certified Producer: A producer authorized by the county agricultural commissioner to sell certified agricultural products, produced by practice of the agricultural arts upon land which the certified producer controls, directly to consumers at a certified farmers' market.
2. Fisherman: A person or entity that catches pelagic and/or freshwater fish or shellfish from boats which the person or entity controls.
3. Vendor: A person or entity that sells non-agricultural products at the Market.
4. Crafters: Individuals selling craft items such as handmade art pieces, lotions, oils or jewelries. The emphasis being on handmade items.

Note: These definitions are provided to distinguish between "Certified Producers", "Fisherman", "Vendors" and "Crafters." However, unless the term "Certified Producer," "Fisherman," "Vendor" or "Crafter" is used, the term "Seller" will apply to all four.

II. GENERAL POLICIES AND PROCEDURES

1. Participation in the Market is at the discretion of the City of Carson. No Seller will acquire any property or other right to continue to participate in the Market. The City may disallow continued participation of any Seller in the Market.
2. Market Hours: The Market hours are 9 a.m. to 1 p.m. every Thursday. The Market is open rain or shine.
3. **SELLERS OR THEIR EMPLOYEES MUST BE ON SITE AT LEAST ½ HOUR PRIOR TO THE MARKET OPENING. SELLERS OR THEIR REPRESENTATIVES MUST NOTIFY THE MARKET MANAGER TWO WEEKS PRIOR TO AND NO LESS THAN TWO DAYS BEFORE THE NEXT MARKET DAY IF THEY ARE NOT GOING TO BE THERE. IN CASE OF AN EMERGENCY, NOTIFICATION ON MARKET DAY IS REQUIRED.**



4. All persons in the selling area are required to wear shirts and shoes at all times.
5. No smoking is allowed within ten feet of each Seller's space.
6. Sellers and their representatives must conduct themselves in a safe and courteous manner. Any language or behavior considered to be deleterious to the normal operation of the Market will be grounds for expulsion from the Market. Consumption of alcoholic beverages, illegal drugs and other behavior modifying substances is forbidden.
7. No animals are allowed in the Market, with the exception of Seeing Eye dogs.
8. Distribution of printed materials or petitions at the Market is permitted with the understanding that the Market Manager may regulate the location wherein such material is distributed. Petitions may be distributed at the entrance of the parking lot, unless the distribution causes a threat to public health, safety and welfare.
9. The City may make changes, additions, and/or deletions to the Market Rules should it be deemed necessary.
10. The City will establish, implement and enforce all procedures, rules and regulations pertaining to the operation of the Market in a fair, non-discriminatory, and equitable manner.

III. CERTIFIED PRODUCERS

1. Only Certified Producers may sell agricultural products at the Market.
2. Certification Procedure:
 - A. A producer may become certified by applying to the Agricultural Commissioner of the county where the producer's farm is located. A producer who farms in more than one county must be certified in each county where he/she produces certifiable agricultural products for sale at the Market.
 - B. The certificate and application must be on a form authorized by the Agricultural Commissioner and include an agreement signed by the applicant indicating that he/she will comply with the terms of Article 6.5 Direct Marketing.



- C. Every Certified Producer must provide, upon request by an enforcing officer or Market Manager, certificates, documentation, information, or any other identification that may be reasonable showing that the conditions of Article 6.5 are being met. Copies of all leased properties and agreements including a map of the property must be presented to Market Manager.
 - D. The Certified Producer's embossed certificate must accompany the certified agricultural products during transportation and must be conspicuously posted at the point of sale.
 - E. Only agricultural products may be sold or offered for sale in the area of the Market designated for Certified Producers.
3. The following certified agricultural products may be sold within the area designated for Certified Producers: fresh fruit, honey, vegetables, eggs, dried fruits, fresh and dried herbs, nuts, house plants, cut flowers and nursery stock. Other products may be admitted on a case-by-case basis.
 4. If a Certified Producer wishes to sell agricultural products at the Market and there is no space available, that Producer will be placed on a waiting list and, as spaces become available, they will be filled based on one's priority on the waiting list.
 5. Certified Producers using the term "organic" must be certified by their County Agricultural Commissioner in order to state that the product is organic. The Certified Producer must also have a certificate from an organic organization.
 6. If Certified Producers wish to use the terms: "no sprays," "no chemicals," or any other similar term, they must provide a brief statement to the Market Manager concerning the techniques they use against insects, fungus, diseases and pests.
 7. Employees, representing a Certified Producer must have written authorization from the Certified Producer. This agreement must be printed on letterhead with the Certified Producer's name, address and phone number. One copy must be given to the Market Manager and one copy to the Los Angeles County Agricultural Commissioner, Weights and Measures PGPQ Division, Attn: Deputy Agricultural Commissioner.
 8. A Certified Producer may sell only certified agricultural products of its own production. This Market prohibits a Certified Producer to



sell certified agricultural products on behalf of other certified producers, including, but not limited to, separate entities, such as partnerships, in which the Certified Producer has an interest as an individual member.

IV. VENDORS OF NON-AGRICULTURAL GOODS

1. A maximum of two vendors selling the same type of non-agricultural product will be allowed at the Market, at the discretion of the Manager. Once two Vendors have been admitted to the Market, a waiting list will be established. If consumer demand warrants and space is available, the Market Manager may consider adding additional Vendors selling a like product at the Market.
2. Non-agricultural products cannot be sold within the general proximity of the Market, but can be adjacent to it. Each Vendor selling a non-agricultural food product must have a permit from the local health jurisdiction, and meet all applicable California Uniform Retail Food Facilities Laws relating to proper processing and packaging locations.
3. All products sold by vehicle vendors must be held in the vehicle designated on the Public Health Permit. Tables may be used while operating at the Market only.
4. All products sold must be processed/packaged by an approved processor. Each package must contain all labeling information required by the State.
6. All pre-packaged food sold from a vehicle must be in an enclosed package, (Exceptions: hard-crust bread, which may be sold in an open-end bag, whole uneviscerated fish, and whole produce).

V. CRAFTERS

1. A maximum of one crafter selling the same type of wares will be allowed in the Market. Admittance will be on a first come first serve basis. Once a vendor has been admitted to the Market, a waiting list will be established. If consumer demand warrants and space is available, the Market Manager may consider adding additional Crafters, selling a like product at the Market.
2. The emphasis will be on handmade items. This is in keeping with the Department of Food and Agriculture preference that craft items be hand made whenever possible.



3. Booth space for crafters will be available after all the farmers have been accommodated. **The priority at the Market is for Farmers.**
4. Location of Crafters will be decided by the Market Manager.

VI. RULES SPECIFIC TO PREPARED FOOD VENDORS

1. Food booths, where cooking is taking place, are required to have a fire extinguisher and a container of water on the side. Food booths, where cooking is taking place must meet Fire Department requirements for tarps and canopies.
2. Prepared food Vendors must follow all Health Department regulations for serving booths, facilities for processed foods and all other applicable permits.
3. Menus must be clearly marked as to price and products.
4. Prepared food Vendors must provide the Market Manager with proper licenses and permits from the California Department of Health and the State Board of Equalization.
5. Prepared food Vendors must provide adequate facilities to keep hot and cold/iced foods at safe temperatures. They must also provide a clean refuse container for patrons.

VII. SALE OF PRODUCTS

1. All products sold must be of an acceptable high quality.
2. All closed or sealed containers must be labeled with: contents, name, address and zip code of the producer, and a declaration of identity and net quantity of the commodity in the package.
3. In order to sell by weight, a certified scale must be used to reach the reported weight. Scales must be approved commercial scales and sealed with a current year stamp by the County Sealer of Weights and Measures. Nothing can be sold by weight unless the use of a certified scale is used to reach the reported weight.
4. Processed foods must meet the guidelines of the Los Angeles County Health Department regulations.
5. **All participating Sellers must receive the approval of the Market Manager before bringing in new items.**



6. All commodities sold at the Market are subject to inspection at any time by the Market Manager or his/her representative for adherence to the above requirements.

VIII. SELLING SPACE

1. All selling spaces must be maintained in a clean, safe and sanitary manner. Sellers are expected to keep their areas swept clean of debris. AT THE CLOSE OF THE MARKET, SELLERS ARE REQUIRED TO THOROUGHLY CLEAN UP THE SELLING AREA AND DISCARD OF WASTE, THEMSELVES. SELLERS WHO HAVE BEEN NOTICED IN WRITING TWO TIMES ABOUT NOT COMPLYING WITH CLEAN UP RULES WILL BE PROHIBITED FROM ATTENDING THE MARKET FOR THE NEXT TWO MONTHS.
2. Each Seller's stand must have the proper certificates and permits posted as required by law. These must be visible to each shopper.
3. Prices must be clearly posted. Collusion among growers to raise prices or exertion of any influence, pressure, or persuasion to cause a grower to increase prices is strictly forbidden.
4. Selling spaces will be defined by the Market Manager. The Market Manager will determine where each Seller will be assigned to sell its products.
5. All food items sold shall be at least six inches off the ground.
6. If a shade unit is set up all connecting rods must be secured in fittings. The shade unit must be anchored or weighted down for wind. Tarps and shades must be securely fastened. Poles may not obstruct traffic flow. Sellers must exercise care when setting up or taking down displays in order to ensure that shoppers are not in the way.
7. All tables must have smooth edges and may not be filled over carrying capacity. Produce arrangements must be stable. All table legs must be secure and stable.
8. Shoppers are not allowed behind tables or in truck area. Barricades should be erected if necessary for crowd control. All boxes and crates must be neatly stacked and kept clear from walkways, passages and areas of heavy traffic.
9. Sellers must pick-up all produce that drops on the pavement under and in front of display tables. This includes any debris resulting from peelings, trimmings, plastic bags, etc.



10. All displays put on the ground must be neatly organized and include walkways of at least 36 inches in width.
11. **Sellers may not pack up or disassemble their booth prior to 1:00 PM on Market day.**

IX. SANITATION

1. Food Sanitation

- A. Produce to be offered for sampling must be washed with potable water, and wastewater must be collected in a receptacle and disposed of at an approved site. Please see section on Liquid Waste. Methods include:
 - (i) Produce will be washed on-site at a centralized wash area to be designated by Market management. Note: Produce may not be washed at toilet room facilities.
 - (ii) Although produce washing facilities will be available centrally at each market site, Producers may pre-wash produce prior to arrival at Market as an option.
 - (iii) Washing technique to include full immersion of product in potable water. Wash-water will be replenished on a volume basis as necessary.

2. Handwashing

- (i) Handwashing facilities will be provided at or near the produce preparation site.
- (ii) Fixed, plumbed toilet facilities with hand wash sink, single-service soap and towels within the recommended 100 feet from produce stands may also be used for handwashing.
- (iii) A Gravity feed system comprised of potable water in a clean container, (recommended 2.5 gallons minimum) may also be used for handwashing. The water supply must drain to a waste receptacle of at least equal size, and single-service soap and towels must be provided.



- (iv) Disposable plastic gloves may be used for slicing produce at stand, however, gloves are not considered a substitute for handwashing.

3. Utensil Sanitizing

- A. Seller must provide sanitizer solution of 1200 ppm chlorine, 200 ppm quaternary ammonium, or 25 ppm iodine to be positioned at stand or central produce preparation site. Utensils used continuously for slicing, (e.g. knives) must be stored in container of sanitizing solution while not in use. See below for sanitizer solution ratios and water replenishing times:

100 ppm Chlorine = two (2) cups per gallon for five (5) hours

- B. Cutting boards or other utensils, (e.g., bulk storage containers, shaker bottles, food storage containers, etc.) must be sanitized prior to use. Sanitizer may be applied either by spray bottle or immersion in sanitizer and air dried prior to use.
- C. All utensils utilized in food service must be food-grade, non-absorbent and maintained in good repair.

4. Waste Removal

- A. All liquid waste generated from produce washing, utensil sanitizing, and handwash areas, must be collected centrally for disposal at an approved dump site, including but not limited to:
 - (i) Available plumbing connected to public sewage. Note: Liquid waste may not be dumped in storm drains.
 - (ii) Licensed waste removal company.
 - (iii) Waste water may also be discharged by Market management at an adjacent restaurant if written agreement by restaurant operator is provided, and use of facilities is approved by Los Angeles County Health Department.
- B. Certified Producers wishing to remove liquid waste for disposal at its farm is optional, and at the discretion of the City of Carson Certified Farmers' Market Manager.



5. Solid Waste
 - A. All putrescent material including produce trimmings etc., shall be stored in water-tight containers, (i.e., plastic garbage bags) and ultimately disposed of at approved garbage receptacles with tight fitting lids.

X. PRODUCE PREPARATION/PRESENTATION

1. Produce preparation may take place at a central location or may be conducted at individual stands.
2. Produce presentation may vary; however, prepared samples must also be made to protect exposed sample foods from insects and dust. Methods identified include the following:
 - A. Capped squeeze bottle, for items such as honey. Bottle is uncapped and product is squeezed onto a disposable wooden stick for each individual customer. Bottle is re-capped, stick is discarded.
 - B. Modified shaker bottle, for items such as grapes. Opening in bottle is enlarged to allow bottle to shake out limited number of items, (one or two) into the hand of a customer.
 - C. Bulk liquid container for items such as juice. Disposed with down-facing, self-closing spout into a cup given to customers by the farmer. Cup is disposable. Thermos is washed in approved kitchen.
 - D. Small sample cup for items such as sprouts or jams. Disposable paper cups are filled in an approved facility or manner for distribution to customer.
 - E. Covered serving dish with hinged lid opening on the grower's side. Grower lifts lid and uses a disposable spoon to scoop out a small sample portion. Disposable spoon is given to customer and discarded.
 - F. Sliced fruit/vegetables may be stored in washable containers with lids and dispensed by grower via disposable toothpicks.
 - G. Sneeze guards, of sufficient width and height so as to intercept fluids and contaminants from the public are permitted for products with an open display to facilitate self-service.



XI. FINANCIAL REQUIREMENTS

1. Each Certified Producer must pay 6% of his/her gross sales to the Market Manager, and will be issued a receipt at the end of each market day. Gross sales are defined as selling price less sales tax. Rounding off of gross sales is acceptable only to the nearest dollar.
2. All Certified Producers must pay \$.60 per load sheet. The \$.60 is collected for the California Department of Food and Agriculture in accordance with Title 3, California Code of Regulations, Section 1392.8.1.
3. Each Vendor will pay 10% of his or her gross sales at the end of each market day.
4. Each Seller must completely fill out the load sheet forms provided by the Market. The Seller must list all products sold at the Market along with the income received. Load sheets must be turned into the City at the end of each Market day.
5. Sellers will be individually responsible for conforming to local, state, and federal laws. State sales tax shall be paid by the Seller on non-food items.

XII. INSURANCE

1. Sellers will be held fully liable and financially responsible for any accident, injury or property damage resulting from failure to comply with the market rules or other applicable federal, state, county and city statutes, rules, regulations, ordinances and orders.

XIII. VIOLATIONS

1. The Market Manager or his/her representative shall implement and enforce rules and all other applicable regulations and laws in a fair and equitable manner. Violations may result in suspension or expulsion from the Market.
 - 1st Violation will result in a verbal and written warning.
 - 2nd Violation will result in a suspension for three months.
 - 3rd Violation will result in an expulsion from the City of Carson Certified Farmers' Market for one year.



2. Customer complaints will be referred directly to the Seller. Should a dispute arise between consumer and Seller, the Seller will defer to the judgment of the Market Manager.
3. **Any Seller expelled from the Market will not be eligible to re-apply to sell at the Market until one year has passed from the date of the Seller's expulsion.**

XIV. APPEALS

1. Prior to any suspension or expulsion from the Market, unless immediate removal is necessary to protect the public health, safety and welfare, a written notice will be sent to the Seller advising the Seller that it will have fifteen days within which to submit a written appeal of the Market Manager's decision.
2. If an appeal is submitted by the Seller, it will be forwarded to the Parks and Recreation Program Manager who will arrange a date and time for the Seller to appear before the Parks and Recreation Program Manager for an administrative review. The Parks and Recreation Program Manager will provide the Seller with a written decision within fifteen days of the administrative review. The decision of the Parks and Recreation Program Manager is final.



Certified Farmers' Market Database

County	City	Market Name	Location	Date and Time	Manager	Mailing Address	Phone	Web Site
Los Angeles	Alhambra	Alhambra CFM	Monterey & E. Bay State Street	Sun, 8:30A-1P	Harry C. Wong	1115 West St., Alhambra, CA 91801	626-570-5081	
Los Angeles	Beverly Hills	Beverly Hills CFM	Civic Center Drive-9300	Sun, 9A-1P	Greta Dunlap	501 Doherty Road, Beverly Hills, CA 91356	310-285-6832	www.beverlyhills.org/
Los Angeles	Brentwood	Brentwood Village CFM	Gretna Green & San Vicente	Sun, 9A-2:30P	Melissa Farwell	19301 Caladero St., Tarzana, CA 91356	818-591-8161	www.ccfm.com
Los Angeles	Claremont	Claremont CFM	Indian Hill and Second	Sun, 8A-1P	Oscar de Leon	4633 Williams Ave., La Verne, CA 91750	714-345-3087	www.sfma.net
Los Angeles	Encino	Encino CFM	Victory Blvd & White Oak	Sun, 8A-1P	Stan Lubitsch	17400 Victory Blvd., Van Nuys, CA 91406	818-708-6611	www.ONEgeneration.org
Los Angeles	Hollywood	Hollywood CFM	Ivar and Selma	Sun, 8A-1P	Pompea Smith	6605 Hollywood Blvd, Suite 220, Hollywood, CA 90028	323-463-3171	www.farmermet.com
Los Angeles	Los Angeles	L.A. Atwater Village CFM	3250 Glendale Blvd. at Larga	Sun, 10A-2P	Pompea Smith	6605 Hollywood Blvd, Suite 220, Hollywood, CA 90028	323-463-3171	www.farmermet.com
Los Angeles	Larchmont	L.A. Larchmont Village CFM	Larchmont Bl lot #694	Sun, 10A-2P	Melissa Farwell	19301 Caladero St., Tarzana, CA 91356	818-591-8161	www.ccfm.com
Los Angeles	Los Angeles	L.A. Melrose Place CFM	Melrose Place & Croft	Sun, 10A-2P	Melissa Farwell	19301 Caladero St., Tarzana, CA 91356	818-591-8161	www.ccfm.com
Los Angeles	Los Angeles	Long Beach S.E. Marina CFM	2nd St. and N. Marina Drive	Sun, 9A-2P	Dale Whitney	759 Linden Ave., Long Beach, CA 90813	562-433-3881	www.harborareafarmersmarkets.org
Los Angeles	Malibu	Malibu CFM	L.A. City Civic Center Complex	Sun, 10A-3P, Jun-Nov	Debra Bianco	30765 Pacific Coast Hwy #158, Malibu, CA 90265	310-457-4537	
Los Angeles	Mar Vista	Mar Vista CFM	Grandview and Venice	Sun, 8:30A-2P	Diana Rodgers	12228 1/2 Venice Blvd, Mar Vista, CA 90066	310-861-4444	www.marvistafarmersmarket.org
Los Angeles	Montrose	Montrose Harvest CFM	Honolulu & Ocean View Blvd	Sun, 9A-2P	Mark Sheridan	1524 Castillo St., Santa Barbara, CA 93101	805-637-6635	
Los Angeles	Pacific Palisades	Pacific Palisades CFM	Swarthmore Ave. & Sunset	Sun, 8A-1P	Melissa Farwell	19301 Caladero St., Tarzana, CA 91356	818-591-8161	www.ccfm.com
Los Angeles	Rolling Hills Estates	Palo Verdes-Rolling Hills Estates	Peninsula Shop Ctr. College of the Canyons, Lot 8, Valencia Blvd.	Sun, 9A-1P	Brian Weiss	16835 S. Buellong Ave., Gardena, CA 90247	310-324-3994	
Los Angeles	Santa Clarita	Santa Clarita CFM		Sun, 8:30A-Noon	Karen Schott	P.O. Box 1050, Fillmore, CA 93016	805-529-6266	www.VCCFarmersmarkets.com
Los Angeles	Santa Monica	Santa Monica Sun. CFM	2640 Main St.	Sun, 9:30A-1P	Jodi Low	200 Santa Monica Pier, Ste. F. Santa Monica, CA 90401	310-458-8712	www.smoov.net/farmers_market/sunday.htm



Certified Farmers' Market Database

County	City	Market Name	Location	Date and Time	Manager	Mailing Address	Phone	Web Site
Los Angeles	Studio City	Studio City CFM	Ventura Place & Ventura Blvd	Sun, 8A-1P	Carole Gallegos	4024 Radford Ave. Edit 2RMIE, Studio City, CA 91604	818-655-7744	
Los Angeles	Toluca Lake	Toluca Lake CFM	Sancola Ave. and Riverside Drive	Sun, 8:30A-2:30P	Tanya Castle	145 S. Glencaks Blvd. #457, Burbank, CA 91502	818-845-0754	
Los Angeles	Los Angeles	West Los Angeles CFM	11360 Santa Monica Blvd	Sun, 9A-2P	Lee Ostendorf	11901 Santa Monica Blvd #318, Los Angeles, CA 90025	562-449-9299	www.westlafarmersmarket.com
Los Angeles	Bellflower	Bellflower CFM	Oak & Clark	Mon, 9A-1P	Muriel MacGregor	16600 Civic Center Drive, Bellflower, CA 90706	562-866-6609	
Los Angeles	South Gate	South Gate CFM	South Gate Park	Mon, 9A-1P	Fannie Coates Earl	407 S. Northwood Ave, Compton, CA 90220	323-774-0159	
Los Angeles	West Hollywood	West Hollywood Mon CFM	Plummer Park - N. Vista and Fountain Ave	Mon, 9A-2P	Shirley Berry	8300 Santa Monica Blvd, W. Hollywood, CA 90069	323-848-6502	
Los Angeles	Culver City	Culver City CFM	Main & Culver	Tues, 2P-7P	Steve Whipple	9770 Culver Bl, POB 507, Culver City, CA 90232	310-253-5775	
Los Angeles	Long Beach	Long Beach/World Trade Center CFM	1 World Trade Center Way	Tues, 11A-3P	Fernando Oxa	19301 Caladero Street, Tarzana, CA 91356	818-402-2977	www.rawinspiration.org/dev/index.php
Los Angeles	Manhattan Beach	Manhattan Beach CFM	13th St. and Morningside Drive	Tues, 12P-4P	Nathalie Deschartres	P.O. Box 3298, Manhattan Beach, CA 90866	310-453-1983	
Los Angeles	Norwalk	Norwalk CFM	Alondra, West of Pioneer (N. Ave. 57 and Marmion Way	Tues, 9A-1P	Dexter Phipps	14043 Mayport Ave., Norwalk, CA 90050	562-921-2321	
Los Angeles	Los Angeles	Old L.A. CFM	Way	Tues, 3P-8P	Misty Iwatsu	115 N. Ave. 53, Los Angeles, CA 90042	323-255-5030	
Los Angeles	Pasadena	Pasadena Villa Park CFM	E. Villa & Garfield Ave.	Tues, 8:30A-12:30P	Gretchen Sterling	363 E. Villa, Pasadena, CA 91101	626-449-0179	www.pasadenafarmersmarket.org
Los Angeles	Torrance	Torrance Tues. CFM	Wilson Park	Tues, 8A-1P	Mary Lou Weiss	3031 Torrance, Torrance, CA 90503	310-781-7520	
Los Angeles	W. Covina	W. Covina Tues. CFM	Garvey and Vincent	Tues, 4P-8P, Jun-Oct	Gerry Dahberg	P.O. Box 5791 Garden Grove 92842	714-323-8056	
Los Angeles	Chino Hills	Chino Hills CFM	14280 Peyton Drive	Wed, 4:30P-8:30P	Joe Honescko	2001 Grand Ave, Chino Hills, CA, CA 91709	714-329-6755	
Los Angeles	Hawthorne	Del Aire CFM	Del Aire Park, 12601 Isis Avenue at El Segund	Wed, 3P-7P	Nathalie Deschartres	P.O. Box 1404, El Segundo, CA 90245	310-943-6806	
Los Angeles	Gardena	Gardena W. 162 St. CFM	1670 W. 162nd St.	Wed, 9A-1P	Ellen Emerson	1670 W. 162 St., Gardena, CA 90247	310-217-9537	



Certified Farmers' Market Database

County	City	Market Name	Location	Date and Time	Manager	Mailing Address	Phone	Web Site
Los Angeles	Hollywood	Hollywood Sears CFM	5601 Santa Monica Blvd. - Sears parking lot	Wed, 12P-5:30P	Pompea Smith	6605 Hollywood Blvd, Suite 220, Hollywood, CA	323-463-3171	www.farmernet.com
Los Angeles	Huntington Park	Huntington Park CFM	Salt Lake Park, Bissell and Florence (Wed, 9:30A-1:30P	Dale Whitney	759 Linden Ave., Long Beach, CA	562-433-3881	www.harborareafarmersmarkets.org
Los Angeles	Los Angeles	L.A. Adams/Vermont CFM	1432 W. Adams @St. Agnes Catholic Church	Wed, 2P-6P	Leroy/Ida Edwards	1866 W. 94th Place, Los Angeles, CA	323-777-1755	www.sfma.net
Los Angeles	Long Beach	Local Harvest CFM	Marine Stadium, Appian Way and Nieto	Wed, 2P-7P	Lee Ostendorf	5390 East 8th Street, Long Beach, CA 90804	562-449-9299	
Los Angeles	Montrose	Montrose Wed. Market CFM	Honolulu and Market	Wed, 4P-8P, May-Oct	Mark Sheridan	1524 Castillo St., Santa Barbara, CA	805-637-6635	
Los Angeles	Northridge	Northridge CFM	Northridge Fashion Mall (Wed, 5P-9P, Apr-Oct	Mark Rochin	93101 2674 E. Main St. #D288, Ventura, CA	805-643-6458	
Los Angeles	Pomona	Pomona CFM	Garey Ave. and E. 2nd St.	Wed, 4P-8P	Larry Egan	401 S. Main St. #101, Pomona, CA	909-261-5004	
Los Angeles	San Dimas	San Dimas CFM	Iglesia and Walnut	Wed, 5P-9P, Apr-Oct	Maurice Cuellar	142 E. Bonita Ave., #136, San Dimas, CA 91773	909-581-4744	www.sandimasfarmersmarket.com
Los Angeles	Santa Monica	Santa Monica Wed. CFM	Arizona Ave & 2nd St	Wed, 8:30A-1:30P	Laura Avery	200 Santa Monica Pier, Ste. F, Santa Monica, CA 90401	310-458-8712	www.smgov.net/farmers_market/wednesday.htm
Los Angeles	Los Angeles	Santee Village/Fashion District CFM	716 South Los Angeles Street	Wed, 4P-7P	Chase Mosley	19301 Caladero St., Tarzana, CA 91356	818-591-8161	www.rawinspiration.org/dev/index.php
Los Angeles	Los Angeles	W. Los Angeles Kaiser CFM	6041 Cadilliac Ave. and La Cienega Blvd	Wed, 9:30A-1:30P	Cynthia Ojeda	835 Locust Avenue, Unit 420, Long Beach, CA 90813	562-495-1764	
Los Angeles	Westchester	Westchester CFM	Westchester Park	Wed, 8:30A-1P	Diana Rodgers	P. O. Box 45588, Los Angeles, CA 90045	310-582-5850	
Los Angeles	Whittier	Whittier Wed. CFM	Greenleaf and Philadelphia	Wed, 5P-9P, Apr-Sep	Dave Gayman	129 E. Colorado Blvd., Montrovia, CA	1-866-440- 91016 3374	
Los Angeles	Los Angeles	Arts District / Little Tokyo CFM	200 N. Spring St.	Thurs, 10A-2P	Susan Hutchinson	2745 Tesla Ave., Los Angeles, CA	323-660-8660	www.downtownfarmersmarket.org
Los Angeles	Baldwin Park	Baldwin Park Thurs. CFM	Baldwin Park and Ramona	Thurs, 2P-9P	Patricia Taylor/ Sanchez	90039 4100 Baldwin Park Blvd., Baldwin Park, CA 91706	562-762-7446	
Los Angeles	Bellflower	Bellflower Summer CFM	Oak & Bellflower	Thurs, 6P-9P, Jul-Sept	Vickie Casanas	16600 Civic Center Drive, Bellflower, CA	562-804-1424 x255	
Los Angeles	Carson	Carson Thurs. CFM	Carson & Bonita St	Thurs, 9A-1P	Janelle Bianco	2400 E. Dominguez St., Carson, CA	310-847-3584	



Certified Farmers' Market Database

County	City	Market Name	Location	Date and Time	Manager	Mailing Address	Phone	Web Site
Los Angeles	Century City	Century City CFM	Constellation Bl. & Ave. of Stars	Thurs, 11:30AM-3P	Melissa Farwell	23501 Park Sorrento Dr., Suite 1, Calabasas, CA 91302	818-591-8161	www.rawinspiration.org
Los Angeles	El Segundo	El Segundo CFM	Main St. & Pine Ave.	Thurs, 3P-7P	Val Patterson	401 Sheldon, El Segundo, CA 90245	310-615-2649	
Los Angeles	Glendale	Glendale CFM	100 block N. Brand Blvd	Thurs, 9:30A-1:30P	Christopher Nyerges	633 E. Broadway #201, Glendale, CA 91206	818-548-2005	
Los Angeles	Glendora	Glendora CFM	Glendora Ave. & Foothill Blvd.	Thurs, 4P-8P	Maurice Cuellar	142 E. Bonita Ave. #136, San Dimas, CA 91773	626-593-9254	
Los Angeles	Los Angeles	L.A. Chinatown	727 N. Broadway, Suite 208, Los Angeles, CA 90012	Thurs, 2P-6P	Lan Gieng	727 N. Broadway, Suite 208, Los Angeles, CA 90012	213-680-0243	www.sfma.net
Los Angeles	Los Angeles	L.A. La Cienega CFM	1801 La Cienega Blvd	Thurs, 3P-7P	Cynthia Ojeda	835 Locust Avenue, Unit 420, Long Beach, CA 90813	562-495-1764	
Los Angeles	La Verne	La Verne CFM	D St. & Bonita Ave	Thurs, 5P-9P, May-Aug	Dave Gayman	129 E. Colorado Blvd., Monrovia, CA 91016	1-866-440-3374	
Los Angeles	Los Angeles	LMU CFM	Loyola Marymount University	Thurs, 1st of mont, 9A-3P, Sept-May	Sandra Qatami	ASLMU, One LMU Drive, Malone Hall, Los Angeles, CA 90045	310-336-2975	
Los Angeles	Long Beach	Long Beach Uptown CFM	Bixby Knolls area at 46th & Atlantic	Thurs, 3P-6:30P	Dale Whitney	759 Linden Ave., Long Beach, CA 90813	562-433-3881	www.harborareafarmersmarkets.org
Los Angeles	Newhall	Newhall Old Town CFM	29222 San Fernando Rd.	Thurs, 4P-8P	Lisa Morgan	722 Gill Ave., Port Hueneme, CA 93041	805-415-2994	
Los Angeles	Redondo Beach	Redondo Beach CFM	Redondo Pier	Thurs, 8A-1P	Geraldine Watkins	320 Knob Hill, Redondo Beach, CA 90277	310-372-1171x3466	www.sfma.net
Los Angeles	S. Pasadena	S. Pasadena CFM	Mission St. and Meridian Ave.	Thurs, 4P-8P	John Turk	P.O. Box 655, S. Pasadena, CA 91030	626-799-1327	
Los Angeles	La Puente	Valinda/La Puente CFM	14830 East Giordano	Thurs, 3P-8P	Annette Ramirez	4620 East 3rd Street, Los Angeles, CA 90022	323-263-4462	
Los Angeles	Westwood	Westwood CFM	Sepulveda Blvd and Constitution Ave.	Thurs, 1P-7P	Mark Wall	5959 Las Tunas Drive, Oceanside, CA 92057	310-861-8188	
Los Angeles	Wilmington	Wilmington CFM	Avalon and L St.	Thurs, 9A-1P	Lee Ostendorf	5390 East 8th Street, Long Beach, CA 90804	562-449-9299	
Los Angeles	Baldwin Park	Baldwin Park Kaiser CFM	1011 Baldwin Park Blvd	Fri, bi-weekly, 8A-1:30P	Dan Hostetler	1011 Baldwin Park Blvd, Baldwin Park, CA 91706	909-869-2189	
Los Angeles	Covina	Covina CFM	Civic Center Park	Fri, 5P-9P, Apr-Dec	Harry Brown-Hiegel	P.O. Box 5095, Covina, CA 91723	626-588-1112	



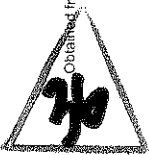
Certified Farmers' Market Database

County	City	Market Name	Location	Date and Time	Manager	Mailing Address	Phone	Web Site
Los Angeles	Los Angeles	Eagle Rock CFM	2100 Merton Ave.	Fri, 5P-9P	Michael Noguiera	4771 Eagle Rock Blvd, Los Angeles, CA 90041	323-225-5466	
Los Angeles	Hermosa Beach	Hermosa Beach CFM	Valley Dr between 10th & 8th	Fri, 12P-4P	Mary Lou Weiss	2506 Ardmore Ave, Hermosa Beach, CA 90254	310-781-7520	
Los Angeles	Los Angeles	L.A. Bank of America CFM	333 S. Hope St.	Fri, 11A-3P	Melissa Farwell	19301 Caladero St., Tarzana, CA 91356	818-591-8161	www.ccfm.com
Los Angeles	Los Angeles	L.A. Echo Park CFM	Sunset Blvd. and Logan St.	Fri, 3P-7P	Pompea Smith	6605 Hollywood Blvd, Suite 220, Hollywood, CA 90028	323-463-3171	www.farmernet.com
Los Angeles	Los Angeles	L.A. Mudtown CFM	10950 S. Central Ave.	Fri, 2P-7P	Ida Edwards	10950 S. Central Ave., Los Angeles, CA 90059	323-563-5639	
Los Angeles	Long Beach	Long Beach Downtown CFM	Fifth & Promenade at CityPlace shopping ctr	Fri, 10A-4P	Dale Whitney	759 Linden Ave., Long Beach, CA 90813	562-433-3881	www.harborareafarmersmarkets.org
Los Angeles	Monrovia	Monrovia CFM	Olive & Myrtle Ave	Fri, 5P-9P	Dave Gayman	129 E. Colorado Blvd., Monrovia, CA 91016	1-866-440-3374	
Los Angeles	San Pedro	San Pedro CFM	6th St. between Pacific and Mesa	Fri, 9A-2P	Lee Ostendorf	5390 East 8th Street, Long Beach, CA 90804	562-449-9299	
Los Angeles	Venice	Venice CFM	Venice Way & Venice Blvd	Fri, 7A-11A	James Murez	804 Main St., Venice, CA 90291	310-399-6690	
Los Angeles	Whittier	Whittier Unincorporated CFM	13201 East Meyer Road	Fri, 2P-8P	Annette Ramirez	4620 East 3rd Street, Los Angeles, CA 90022	323-263-4462	
Los Angeles	Burbank	Burbank CFM	Olive & Glen Oaks	Sat, 8A-12:30P	Carolyn Hill	717 N. Cordova, Alhambra, CA 91801	626-308-0457	
Los Angeles	Calabasas	Calabasas Old Town CFM	Calabasas & Mulholland Dr.	Sat, 8A-1P	Melissa Farwell	19301 Caladero St., Tarzana, CA 91356	818-591-8161	www.ccfm.com
Los Angeles	Carson	Carson Sat. CFM	22328 S. Main St.	Sat, 9A-1P	Katie Ricketts	www.harborareafarmersmarkets.org	310-740-7544	
Los Angeles	Ceritos	Ceritos CFM	Park Plaza Dr & Towne Center Dr.	Sat, 8A-Noon	Dale Whitney	759 Linden Ave., Long Beach, CA 90813	562-433-3881	www.harborareafarmersmarkets.org
Los Angeles	Walnut	Diamond Barr/Wainut CFM	Fairway and Colima	Sat, 8A-1P	Jenny Escamilla	21845 E. Copley Drive, #1170, Diamond Bar, CA 91765		www.diamondbarchamber.com
Los Angeles	Los Angeles	East Lost Angeles CFM	4801 East 3rd Street	Sat, 9A-2P	Annette Ramirez	4620 East 3rd Street, Los Angeles, CA 90022	323-263-4462	
Los Angeles	Gardena	Garden Sat. CFM	13000 Van Ness, Holly Pk Church parking lot	Sat, 6:30A-Noon	Leroy/Ida Edwards	1866 W. 94th Place, Los Angeles, CA 90047	323-777-1755	www.sifma.net



Certified Farmers' Market Database

County	City	Market Name	Location	Date and Time	Manager	Mailing Address	Phone	Web Site
Los Angeles	Los Angeles	L.A. Central Ave. CFM	43rd St and Central Ave	Sat, 9A-1P	Pompea Smith	6605 Hollywood Blvd, Suite 220, Hollywood, CA 90028	323-463-3171	www.farmernet.com
Los Angeles	Los Angeles	L.A. Harambee CFM	Crenshaw & Slauson	Sat, 10A-4P	Jabari Jumaane	3010 Wilshire Bl, #257, Los Angeles, CA 90010	323-292-5550	
Los Angeles	Los Angeles	L.A. Leimert Park CFM	43rd and Degnan	Sat, 9A-2P	Pompea Smith	6605 Hollywood Blvd, Suite 220, Hollywood, CA 90028	323-463-3171	www.farmernet.com
Los Angeles	Los Angeles	L.A. Silverlake CFM	3700 Sunset Blvd	Sat, 8A-1P	Edwin Gomez	4019 Sunset Blvd, Los Angeles, CA 90029	323-661-7771	www.sfma.net
Los Angeles	La Canada	La Canada CFM	1346 Foothill Blvd.	Sat, 9A-1P	Melissa Farwell	19301 Caladero St., Tarzana, CA 91356	818-591-8161	www.ccfm.com
Los Angeles	Pasadena	Pasadena Victory Park CFM	Sierra Madre & Paloma	Sat, 8:30A-12:30P	Gretchen Sterling	363 E.Villa, Pasadena, CA 91101	626-449-0179	www.pasadenafarmersmarket.org
Los Angeles	Pomona Valley	Pomona Valley CFM	Pearl & Garey	Sat, 7:30A-11:30A	Harry Brown-Hiegel	1751 North Park Ave., Pomona, CA 91768	626-588-1112	
Los Angeles	Santa Monica	Santa Monica Pico CFM	Virginia Ave. Park	Sat, 8A-1P	Ted Galvan	200 Santa Monica Pier, Ste. F, Santa Monica, CA 90401	310-458-8712	www.smgov.net/farmers_market/pico.htm
Los Angeles	Santa Monica	Santa Monica Sat Organic CFM	Arizona Ave & 3rd St.	Sat, 8:30A-1P	Mort Bernstein	200 Santa Monica Pier, Ste. F, Santa Monica, CA 90401	310-458-8712	www.smgov.net/farmers_market/saturday.htm
Los Angeles	Torrance	Torrance Sat. CFM	Wilson Park	Sat, 8A-1P	Mary Lou Weiss	3031 Torrance, Torrance, CA 90503	310-781-7520	
Los Angeles	W. Covina	W. Covina Sat. CFM	P.O. Box 45588, Los Angeles, CA 90045	Sat, 8A-1P	Gery Dahberg	3031 Torrance, Torrance, CA 90503	714-323-8056	
Los Angeles	Westchester	Westchester Howard Hughes Promenade CFM	Howard Hughes Promenade	Sat, 8:30A-1P	Renate	P.O. Box 45588, Los Angeles, CA 90045	310-216-2707	





CITY OF CARSON

PLANNING COMMISSION STAFF REPORT

NEW BUSINESS DISCUSSION: September 9, 2008
SUBJECT: Workshop regarding garage conversions
APPLICANT: City of Carson
REQUEST: Discuss and consider the legalization of garage conversions
PROPERTIES INVOLVED: Citywide

COMMISSION ACTION

Concurred with staff
 Did not concur with staff
 Other

COMMISSIONERS' VOTE

AYE	NO		AYE	NO	
		Faletogo – Chairperson			Saenz
		Cannon			Verrett
		Graber			

I. **Introduction**

On August 12, 2008, at the last Planning Commission meeting, Commissioner Saenz requested bringing an item to the Planning Commission to discuss and consider the legalization of garage conversions. The Planning Commission moved to direct staff to research the issue for discussion at their next meeting on September 9, 2008.

II. **Background**

Homes in the city of Carson were first constructed at the turn of the century with the first neighborhoods established the 1930s and 1940s. According to the General Plan Housing Element, 10 percent of the homes were built prior to 1949; 20 percent were built in the 1950s; and 40 percent were built in the 1960s. In total, approximately 85 percent of the homes were built prior to the city's Zoning Code becoming effective in 1977. Thus, most homes were built based on the requirements of the County of Los Angeles.

The use of vehicles became much more prevalent in the 1940s following World War II. As such, the County adopted a number of ordinances to address the growing popularity of the automobile. Table 1 summarizes the parking requirements for single-family homes under the County.

TABLE 1: SUMMARY OF COUNTY PARKING REQUIREMENTS FOR SINGLE-FAMILY HOMES

DATE	REQUIREMENT
Nov. 10, 1943	One open space per unit (Ord. No. 4292)
Jan. 13, 1950	Min. 144 s.f. required (Ord. No. 5447)
June 22, 1956	One covered space per unit (Ord. No. 6942)
Nov. 15, 1957	Require driveway to be 3-inches thick and made of macadam (Ord. No. 7239)
June 27, 1958	Space to have a minimum width of 8 ft. (Ord. No. 7349)
Sept. 14, 1962	Two covered parking spaces required (Ord. No. 8264)

On October 3, 1977, the city adopted the current Zoning Ordinance based mostly on the County's standards. The Zoning Ordinance includes a provision under Section 9162.21 requiring all new single-family homes on lots 50 feet wide or greater to provide a two-car garage in which the interior area measures no less than 20 feet by 20 feet. As a result, many garages for single-family homes built prior to 1977 became legal nonconforming. However, under Section 9182.41(F), legal nonconforming parking spaces, including garages and carports, are "allowed to continue indefinitely,



except that an addition to a dwelling may be made without making the parking conforming provided the number of dwelling units is not increased and the addition does not occupy the only available space on the lot which could be used to meet the parking requirement.”

The Planning Division reviews approximately 50 over-the-counter development proposals per month, many of which are additions to single-family homes. As part of the review, staff ensures that a two-car garage is provided. For those homes that are legal nonconforming, staff ensures that an area on the property is available to accommodate a future two-car garage and driveway if possible. It is staff's opinion that the current requirement is adequate to address impacts to a neighborhood resulting from a larger home. Plans that do not provide a two-car garage or a location for a future two-car garage are usually revised to meet the requirement.

III. Analysis

Residential Property Report

On July 1, 1999, Ordinance No. 99-1555 went into effect requiring that a Residential Property Report (RPR) be obtained by a seller prior to the sale, exchange, or transfer of a residential property. The purpose of the RPR is to protect both the buyer and seller from engaging in the transfer of a home with illegal structures or nonconforming construction. The RPR requires an inspection that must be performed by the Building and Safety Division prior to the transfer of property. If violations are identified, they must be corrected as part of the RPR process. Since its inception in 1999, the RPR program has identified 523 garage-related violations, which include garage conversions.

Garage Conversions

Many of the violations identified in an RPR include the conversion of a garage into living area. Staff has numerous concerns with garage conversions because of the impacts to health, safety, and welfare. These concerns are described below:

Planning Issues

- Front Yard Setback – Garages must be located a minimum 25 feet from the front lot line. A garage conversion would require a new garage to be constructed within the front yard setback.
- Side Yard Setback – Attached garages typically must be five (5) feet from the side property line for interior lots. A garage conversion often restricts access to a future two-car garage which could be constructed in the rear of a property.
- Rear Yard Setback – The rear yard setback for a habitable structure is 15 feet, but a setback of five (5) feet is permitted if 50 percent of the rear yard remains open. Detached garages may be constructed one (1) inch or three (3) feet from the rear property line. Thus, a garage located in the rear yard that is converted into livable area would most likely violate the five-foot requirement.
- Attached/Detached Garage – Attached garages must meet the setback requirements discussed above. However, since a garage is considered non-



habitable, detached garages may be constructed one inch or three feet from the side and rear property lines if located more than 60 feet from the front property line. The conversion of a garage would most likely violate the setback requirements for a habitable building.

- Circulation – The minimum driveway width for a garage is 12 feet. However, a two-car garage located in the front of a property typically has a 16-foot wide driveway. Converting a garage into living space would not allow proper vehicular circulation for a new garage unless a property has an alley in the back or is a corner lot.
- Lack of Parking – Garage conversions eliminate onsite parking which leads to residents parking their vehicles on the public street. This narrows the public street which causes safety issues and lowers the quality of life for residents in the neighborhood. Staff has observed this to be a problem in several neighborhoods including Scottsdale and the Presidential Tract.
- Overcrowding – Garage conversions encourage overcrowding which reduces the quality of life for neighbors due to increased noise, cars, and foot traffic. Single-family neighborhoods were meant to sustain one family per home.
- Multiple Garage Conversions – A proliferation of garage conversions in a single neighborhood would further intensify overcrowding and reduce the quality of life.

Building and Safety Issues

- Structural Material – Many existing garages have thin floor slabs, minimal foundations, and exposed framing that is typically not suitable for livable areas.
- Insulation – Garages are not intended to be habitable areas and thus are not typically insulated. Furthermore, many are not designed with sufficient dimensions to install necessary insulation.
- Electrical Wiring – Garages typically have exposed wiring not suitable for livable areas.
- Light and Ventilation – Livable area requires a minimum amount of light and ventilation. Although some garages have windows, those located along a property line may not.

Ordinance Amendment

For the reasons discussed above, staff does not recommend that an ordinance amendment to allow for garage conversions be implemented. The CMC does permit the reduction in the number of parking spaces for mixed-use and affordable housing projects. However, given the design and layout of most single-family neighborhoods, most residents are reliant upon their vehicles for commuting and staff does not see a foreseeable decrease in the amount of vehicles owned by single-family homeowners.



IV. Recommendation


That the Planning Commission:

- CONSIDER and DISCUSS the information provided for in this workshop; and
- RECEIVE and FILE.

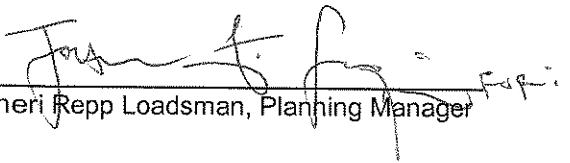
V. Exhibits

None.

Prepared by:


John F. Signo, AICP, Senior Planner

Approved by:


Sheri Repp Loadsman, Planning Manager

