

**CITY OF CARSON**  
**PLANNING COMMISSION**  
**RESOLUTION NO.\_\_\_\_**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON  
RECOMMENDING APPROVAL OF DESIGN OVERLAY REVIEW NO. 975-06 TO THE  
CARSON REDEVELOPMENT AGENCY AND APPROVING VARIANCE NO. 487-06,  
VARIANCE NO. 488-06, VARIANCE NO. 489-06 AND CONDITIONAL USE PERMIT NO.  
645-06**

**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, Primestor Development, Inc., with respect to real property located at 501 E. Albertoni Street and described in Exhibit "A" attached hereto, requesting the approval of Design Overlay Review No. 975-06, Variance No. 487-06, Variance No. 488-06, Variance No. 489-06 and Conditional Use Permit No. 645-06 for the construction of four detached commercial buildings totaling 41,135 square feet on a 3.5 acre vacant parcel. Applicant requests Variance No. 487-06 from Section 9136.12 of the Carson Municipal Code (CMC) for required 30-foot maximum building height limit for retail anchor building; Variance No. 488-06 from Section 9136.7 of the CMC for required 30-foot maximum sign height limit; Variance No. 489-06 from Sections 9136.23-9136.25 of the CMC for front, side and rear yard setbacks; and Conditional Use Permit No. 645-06 for shared parking. Property is located in the CG-D (Commercial, General Design Overlay District) zone and within Redevelopment Project Area No. 1.

A public hearing was duly held on February 27, 2007 at 6:30 P.M. at City Hall, Council Chambers, 701 East Carson Street, Carson, California. A notice of time, place and purpose of the aforesaid meeting was duly given.

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

**Section 3.** The Planning Commission finds that:

- A) The General Plan designates the subject property for General Commercial uses. The proposed development, University Square, is consistent with permitted uses and adheres to the goals and policies described in the Land Use Element of the General Plan. Such use is consistent with adjacent development including the Extended Stay America Hotel and adjacent commercial shopping center to the west, Carson Harbor Village to the south, the Artesia Freeway (91) to the north and commercial land uses to the east.
- B) The design and architecture of the proposed development conforms to all the applicable design and development standards of the City of Carson's Zoning Ordinance, with the exception of maximum height requirements for buildings and structures, front, side and rear yard setbacks and parking requirements. These deviations will be addressed individually within the Variance and Conditional Use Permit section of this resolution.
- C) The site will be accessed via two driveways, one on Albertoni Street and the other on Avalon Boulevard. The project layout incorporates handicap and pedestrian accessibility from the sidewalk into the development. Also included is a decorative paved pedestrian walkway from Albertoni Street sidewalk into the plaza/fountain courtyard. Customer parking areas provide adequate and

safe circulation of vehicles and pedestrians on site. Albertoni Street and Avalon Boulevard are major thoroughfares that can easily accommodate the expected traffic to be generated from 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 exists.

- D) The proposed sign program adheres to the CMC, with the exception of the 60-foot high pylon sign. Deviation from the CMC pertaining to sign height is discussed in the Variance section of the resolution. One monument sign will accommodate one anchor tenant and up to three secondary tenants. The pylon sign will accommodate up to five anchor tenants. Both the pylon and monument sign feature the University Square logo. Building signage will consist of individual, internally illuminated channel letters and corporate logos as described in the overall sign program for this project.
- E) Pursuant to the Redevelopment Plan for Redevelopment Project Area No. 1, future development within such Project Area includes an emphasis on the abatement of unwanted, conflicting and blighted uses. The proposed project will facilitate the redevelopment of a currently blighted, vacant lot and allow for the development of a new commercial center and sit down restaurant, which will provide increased tax revenue, jobs to the community and showcase a new contemporary development. The proposed University Square is consistent with the general intent of the Redevelopment Plan for the area.
- F) The proposed project is consistent with the Land Use Element goals and objectives and will provide additional revenue for the City in the form of sales tax.
- G) A variance "shall be granted only when, because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of this Chapter deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification."
- H) A special circumstance is applicable in granting Variance No. 487-06 and Variance No. 488-06 due to the topography and location of the property in relation to the adjacent Artesia (91) Freeway grade elevation. The grade elevation of the subject site ranges between 38 and 40 feet above sea level, while the Artesia (91) Freeway grade elevation is 66 feet above sea level. Since the property will be leveled and graded, the difference between grades is estimated at 28 feet. The granting of this variance will be consistent with various hotels heights and pylon sign heights in the vicinity including the adjacent Extended Stay America hotel, the Hampton Inn, and the Carson Plaza. The application of the Zoning Ordinance deprives the applicant privileges enjoyed by other properties in the vicinity under identical topography conditions and zoning classification.
- I) A special circumstance is applicable in granting Variance No. 489-06 from Sections 9136.23-9136.25 of the CMC for front, side and rear yard setbacks. Anchor building A is proposed to be constructed with a varying front yard setback which varies from 15 feet to zero (0) feet; a side yard setback which varies from two (2) foot, seven (7) inches to zero (0) feet and a rear yard setback which varies from one (1) foot to three (3) feet. Section 9136.23 requires a minimum 20 foot front yard setback; Section 9136.24 requires a three (3) foot side yard setback and Section 9136.25 requires a three (3) foot rear yard setback. The parcel is oddly shaped, being wider at the eastern

boundary line with over 300 linear feet and much narrower at the western boundary line with approximately 135 linear feet. The granting of this variance is justified due to the odd configuration of the lot and the layout of the remaining buildings on site. The strict application of the code in relation to front, side and rear yard setbacks deprives the property of privileges enjoyed by other properties in the vicinity with similar oddly configured lots.

- J) 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.** Pursuant to Section 9162.24 of the CMC, when two or more uses share a parking facility, and when demonstrated by a signed affidavit that the hours of their demand do not substantially overlap, then the parking requirement may be reduced by the Planning Commission through the approval of a Conditional Use Permit pursuant to Section 9172.21 (D) based on the following findings:

- A) The proposed development will be located on a relatively flat parcel of land, within a General Commercial zone district adjacent to the Artesia (91) Freeway. The site is adequate in size, shape, and topography and has access to required utilities as it is located within an urbanized area. The project meets all development standard requirements with the exception of parking. Section 9162.21 of the CMC requires 238 parking spaces for commercial and restaurant uses. A shared parking analysis was prepared by a traffic engineer for this project. Based on the Urban Land Institute (ULI) rates, the maximum parking demand for the project would be 217 parking spaces. The 217 peak parking demand is based on 1,508 square feet of building D being calculated as non-lunch time use. The project contains 211 parking stalls. As such, the site would be deficient six (6) parking spaces based on ULI rates. The sit down restaurant proposed is El Pescador, not a typical national chain restaurant. Should El Pescador leave and/or the non-lunch time use designated at 1,508 square feet in building D change to a lunch time restaurant use, the city reserves the right to require a new shared parking analysis. Should the shared parking analysis deviate from the original shared parking analysis, the Planning Commission shall consider a modification of the Conditions of Approval to restrict a certain amount of square footage to non-lunch time use.
- B) Pursuant to review by the Carson Engineering Services Department, traffic flow on Albertoni Street and Avalon Boulevard, and within the site in question will not be negatively affected by the proposed development. The site will be serviced by Albertoni Street and Avalon Boulevard, two major highways capable of supporting the expected increased traffic volume. The applicant shall also contribute to the cost of a raised median on Albertoni Street along the site frontage, which shall be designed to have an opening for driveway access.
- C) The County Fire Department has reviewed the proposed project and concludes that adequate water supply exists to meet current and anticipated fire suppression needs. The County Fire Department has imposed several conditions, which are incorporated in the Conditions of Approval for this project.
- D) The site is designated for general commercial uses in both the General Plan and Zoning Ordinance. The proposed development will be an asset to the City as it will provide much needed commercial services and a sit down restaurant to

the northern portion of the City which has a limited number of these types of land uses. The subject site is located at a prime corner location and will serve to revitalize a dormant lot and promote an aggressive stance towards new development and revitalization of existing surrounding developments. The project is compatible and within character of the adjacent Extended Stay America hotel and adjacent commercial center, both functionally and architecturally.

**Section 5.** Pursuant to the California Environmental Quality Act (CEQA), the Planning Commission finds that the proposed project will not have a significant effect on the environment as indicated in the Initial Study and Negative Declaration prepared for this project. The proposed use will not alter the predominantly commercial and industrial character of the surrounding area and meets the city standards for protection of the environment.

**Section 6.** Based on the aforementioned findings, the Commission hereby recommends approval of Design Overlay Review No. 975-06 to the Carson Redevelopment Agency and approves Variance No. 487-06, Variance No. 488-06, Variance No. 489-06 and Conditional Use Permit No. 645-06 with respect to the property described in Section 1 hereof, subject to the conditions set forth in Exhibit "B" attached hereto, and adopts the Negative Declaration.

**Section 7.** The Secretary shall certify the adoption of this Resolution and shall transmit copies of the same to the applicant.

**Section 8.** 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 27<sup>th</sup> DAY OF FEBRUARY 2007.**

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**CHAIRMAN**

**ATTEST:**

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**SECRETARY**