



# CITY OF CARSON

## PLANNING COMMISSION STAFF REPORT

PUBLIC HEARING: February 13, 2007

SUBJECT: Design Overlay Review No. 883-04  
Variance No. 483-06

APPLICANT: Eduardo and Winnie Gabuten  
22012 S. Avalon Blvd.  
Carson, CA 90745

REQUEST: Construction of an 8,700 square-foot commercial center on a 0.74-acre lot in the CG-D zone and within Redevelopment Project Area No. 1; the Variance request is for the reduction of the required side yard setback.

PROPERTY INVOLVED: 22005 S. Main Street

### COMMISSION ACTION

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

### COMMISSIONERS' VOTE

AYE	NO		AYE	NO	
		<b>Cottrell – Chairman</b>			<b>Saenz</b>
		<b>Pulido – Vice-Chairman</b>			<b>Tyus</b>
		<b>Faletogo</b>			<b>Verrett</b>
		<b>Graber</b>			<b>Wilson</b>
		<b>Hudson</b>			

## I. Introduction

### *Date Application Received*

- October 28, 2004: Design Overlay Review No. 883-04
- July 13, 2006; Variance No. 483-06

### *Applicant / Property Owner*

- Eduardo and Winnie Gabuten; 22012 S. Avalon Blvd., Carson, CA 90745

### *Project Address*

- 22005 S. Main Street

### *Project Description*

- Construction of a new 8,700 square-foot commercial center, including three buildings of approximately 2,900, 3,500, and 2,300 square feet:
  - The 2,900 square-foot building will be located in the southwestern corner of the site and will be used by the property owner, Dr. Gabuten, for a new dental office. Dr. Gabuten's existing dental office is located at 22012 S. Avalon Boulevard, Carson, CA 90745;
  - The 3,500 square-foot building located in the southeastern portion of the site, which is attached to the 2,900 square-foot building, is divided into five tenant spaces of approximately 700 square feet each. It is intended for office use, but may be leased for retail sales or other commercial uses; and
  - The 2,300 square-foot stand-alone building located at the northeastern corner of the site is intended for restaurant use and includes 300 square feet for outdoor seating.
- The project includes paving, landscaping, signage, and related site improvements.
- A combined monument sign and fountain will be located in the northeastern corner next to the restaurant. The fountain will be used to improve the outdoor seating area of the restaurant. The monument sign will help promote the commercial center from 220th Street and Main Street.
- The variance request is for the reduction of the required side yard setback in order to construct two of the buildings along the southern property line with zero setback.
- The project site is 0.74 acre and is located at 22005 S. Main Street.

## II. Background

### *Previous Uses of Property*

- According to the County Assessor's records, the existing homes and the commercial building on the northern parcel were constructed in 1940 and the southern building, which was demolished in 2006, was constructed in 1946.

### *Previously Approved Discretionary Permits*

- Design Overlay Review No. 498-90/Conditional Use Permit No. 362-90: Proposal for a 7,500 square-foot retail/mini-market for Tambuli Market, Inc.; Approved by the Planning Commission on March 13, 1990 (Resolution No. 90-1295).
- Design Overlay Review No. 787-02: Rehabilitation of existing commercial building; Approved by the Planning Commission on May 27, 2003 (Resolution No. 03-1941).

**III. Analysis**

*Location/Site Characteristics/Existing Development*

- The project site is located at the southwest corner of Main Street and 220th Street.
- The project site is 0.74 acre (32,092 square feet) in size, fairly flat (less than two percent slope) and located in a commercial and residential area.
- The site is comprised of two developed lots with two single-family homes, a commercial building, and a former market building which was demolished in 2006.
- The existing homes and commercial building will be demolished prior to construction of the proposed project.
- There is a commercial center to the north across 220th Street; to the east and northeast across Main Street are a commercial center and fast-food restaurant; to the south are attached condominiums; and to the west are multifamily homes.

*Zoning/General Plan/Redevelopment Area Designation*

- The subject property is zoned CG-D (Commercial, General – Design Overlay).
- Surrounding properties to the north and east share the same zoning, except for the property at the northeast corner of Main Street and 220th Street which is zoned CN-D (Commercial, Neighborhood – Design Overlay).
- The properties to the south and west are zoned RM-25-D (Residential, Multifamily – 25 units per acre – Design Overlay).
- Properties to the northwest on the north side of 220th Street are zoned RM-12-D (Residential, Multifamily – 12 units per acre – Design Overlay).
- The General Plan land use designations of the subject property and all properties at the four corners of the intersection of 220<sup>th</sup> Street and Main Street are General Commercial. The properties to the south and west are designated High Density and properties further west on the north side of 220<sup>th</sup> Street are designated Medium Density.

*Applicable Zoning Ordinance Regulations*

The following table summarizes the proposed projects’ consistency with current site development standards for the CG-D zone district and other zoning code sections applicable to the proposed use:

<b>Applicable Zoning Ordinance Sections</b>	<b>Compliance</b>	<b>Non-Compliance</b>
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<b>Applicable Zoning Ordinance Sections</b>	<b>Compliance</b>	<b>Non-Compliance</b>
Section 9141.1 – Uses Permitted	x	
Section 9145.3 – Street Frontage and Access	x	
Section 9146.12 – Height of Buildings and Structures	x	
Section 9146.23 – Front Yard	x	
Section 9146.24 – Side Yard		X Variance requested
Section 9146.25 – Rear Yard	x	
Section 9146.27 – Space Between Buildings	x	
Section 9146.4 – Trash and Recycling Areas	x	
Section 9146.6 – Parking, Loading, Truck Maneuvering and Driveways	x	
Section 9146.7 – Signs	x	
Section 9146.8 – Utilities	x	
Section 9146.9 – Site Planning and Design	x	
Section 9162.21: Parking Spaces Req'd	x	
Section 9162.24: Parking for the Disabled and Associated Signing and Ramping	x	
Division 7 – Environmental Effects	x	
Part 6 – General Development Standards	x	

### *Analysis*

- The proposed project requires a Variance request for the reduction of the side yard and a Design Overlay Review because the project site is in a Design Overlay district. Additionally, the project site is within Redevelopment Project Area No. 1, which requires Site Plan and Design Review and Redevelopment Agency approval.

### *Required Findings: Design Overlay Review No. 883-04*

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:

- a. Compatibility with the General Plan, any specific plans for the area, and surrounding uses;
- b. 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;

- c. Convenience and safety of circulation for pedestrians and vehicles;
- d. Attractiveness, effectiveness and restraint in signing, graphics and color; and
- e. 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, provided that the conditions of approval are adhered to. Specific details regarding the findings are incorporated in the attached resolution.

*Required Findings: Variance No. 483-06*

CMC Section 9172.22 states 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.

All of the required findings pursuant to Section 9172.22 can be made in the affirmative. The proposed design provides good placement of buildings and adequate driveway width and circulation on the subject property. Buildings could be oriented to provide the required 10-foot side yard setback, however, such a setback appears unnecessary due to the location and orientation of buildings on the neighboring property. The Laurelwood Condominiums are located immediately south of the subject property. The condominium buildings are setback from the perimeter wall and provide adequate open space and separation from the commercial property. A 10-foot side yard setback area behind the proposed commercial buildings could be a potential nuisance due to insufficient maintenance, possible outdoor storage and creation of an unmonitored area. Thus, this area may attract crime onto the subject property and the adjacent condominium complex. Further details can be found in the attached Resolution.

*Issues of Concern: Design Overlay Review No. 880-04/Variance No. 483-06*

- Issue – Side Yard Setback: Two of the buildings will be located along the southern property line next to residential condominiums. Pursuant to Section 9136.24, a side yard that abuts a lot in a residential zone must have a setback of 10 feet. The applicant has obtained the signed consent of the homeowners association of the condominiums to the south (see Exhibit 3). The applicant contends that strict application of the Municipal Code would pose a hardship for development because the property is located on a corner that abuts residential properties to the south and west. Staff concurs that the irregular shape, corner location and orientation to the adjoining residential development would support the elimination of the side yard setback on the southern border.
  - *Proposed Condition/Change*: None required.

- Issue – Sign Program: The applicant has submitted sign plans for the fountain/monument sign that fronts the intersection of Main Street and 220<sup>th</sup> Street. However, a comprehensive sign program is necessary to ensure there is compatibility and uniformity amongst all the signs in the center. The sign program should identify the location, size, color, materials, and design of all signs in the center.
  - *Proposed Condition/Change*: A condition of approval has been added to require a comprehensive sign program of all the signs in the center.
  
- Issue – Building Elevations: The building elevations for all sides of the building have not been included in the development plans for the Planning Commission. These elevations are essential to ensure compatibility with the existing area.
- *Proposed Condition/Change*: Prior to plan check submittal to the Building and Safety Division, elevations of all exterior walls shall be submitted for review and approval by the Planning Division.
  
- Issue – Exterior Walls Facing the Streets: The exterior walls of the restaurant building (Building C) and the eastern exterior wall of Building B facing the streets require additional architectural treatment.
  
- *Proposed Condition/Change*: The exterior walls of Building C and B facing the streets shall be treated with either a trellis and vines, windows, and/or other architectural treatments to make the building appealing. Additional landscaping shall be provided at the discretion of the Planning Division. Revised elevations shall be submitted for review and approval by the Planning Division prior to plan check submittal to the Building and Safety Division.

#### IV. Environmental Review

An Initial Study for this project was prepared in accordance with the California Environmental Quality Act (CEQA). After reviewing the Initial Study and any applicable mitigating measures for the project, the Planning Division has determined that this project will not have a significant effect on the environment. Accordingly, a Mitigated Negative Declaration has been prepared pursuant to California Public Resources Code Section 15070. Mitigation measures have been included for air quality and noise (see Exhibit 2).

#### V. Recommendation

That the Planning Commission:

- **ADOPT** the Mitigated Negative Declaration;
- **WAIVE** further reading; and

- **ADOPT** Resolution No.\_\_\_\_\_, entitled “A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON APPROVING VARIANCE NO. 483-06 FOR THE REDUCTION OF THE SIDE YARD SETBACK, AND RECOMMENDING APPROVAL OF DESIGN OVERLAY REVIEW NO. 883-04 TO THE REDEVELOPMENT PROJECT AGENCY FOR THE CONSTRUCTION OF A NEW COMMERCIAL CENTER LOCATED AT 22005 S. MAIN STREET.”

**VI. Exhibits**

1. Draft Resolution
2. Mitigated Negative Declaration and Initial Study
3. Correspondences
4. Site plan, elevations, floor plans (under separate cover)

**Prepared by:** \_\_\_\_\_  
John F. Signo, AICP, Senior Planner

**Reviewed and Approved by:** \_\_\_\_\_  
Sheri Repp, Planning Manager