



# CITY OF CARSON

## PLANNING COMMISSION STAFF REPORT

NEW BUSINESS CONSENT: October 14, 2008

SUBJECT: Modification No. 1 to  
Design Overlay Review No. 975-06  
Conditional Use Permit No. 645-06  
Variance No. 487-06  
Variance No. 488-06  
Variance No. 489-06

APPLICANT: Vanessa Delgado  
Primestor Development  
228 South Beverly Drive  
Beverly Hills, CA 90212

REQUEST: Modification to Condition No. 94 in regards to  
undergrounding overhead utility lines

PROPERTIES INVOLVED: 501 East Albertoni Street

### COMMISSION ACTION

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

### COMMISSIONERS' VOTE

AYE	NO		AYE	NO	
		Chairman Faletogo			Graber
		Vice-Chair Saenz			Verrett
		Cannon			

***Item No. 9B***

## I. Introduction

### *Applicant/Property Owner*

- Primestor Development  
Attn: Vanessa Delgado  
228 South Beverly Drive  
Beverly Hills, CA 90212

### *Project Address*

- 501 East Albertoni Street

### *Project Description*

- Modification to Condition No. 94 in regards to undergrounding all existing overhead utility lines less than 50 kilovolts for Design Overlay Review No. 975-06 which includes the construction of four detached commercial buildings totaling 45,135 square feet on a 3.5-acre vacant parcel. The subject property is zoned CG-D (Commercial General-Design Overlay District) and is located within the Merged and Amended Redevelopment Project Area.
- Condition No. 94 reads as follows:
  94. All existing overhead utility lines less than 50 kilovolts, along Avalon Boulevard and all new overhead utility lines shall be underground to the satisfaction of the City Engineer. The developer shall be relieved of any obligation for undergrounding of the utility lines along Avalon Boulevard subject to the Carson Redevelopment Agency assuming full responsibility for said obligation.
- The applicant and the Engineering Services Division are requesting to delete Condition No. 94. (Exhibit No. 1)

## II. Background

The project site was formerly developed with a 13,000-square-foot, four-story building which was to become the Radisson Plaza Hotel. A building permit was issued in 1987 for the construction of the hotel and in 1989 construction ceased. As a result, the hotel was 70 percent complete and stood vacant for several years until the Carson Redevelopment Agency acquired the site and demolished the unfinished structure in December 2002.

The site remained vacant until construction commenced in April 2008 for Design Overlay Review No. 975-06.

On February 27, 2007, the Planning Commission approved Variance Nos. 487-06, 488-06, and 489-06 and Conditional Use Permit No. 645-06, subject to the Conditions of Approval in Resolution No. 07-2129 and recommended approval of DOR No. 975-06 to the Redevelopment Agency. On April 3, 2007, the Redevelopment Agency approved Design Overlay Review No. 975-06.



In July, 2008 the applicant requested that Condition No. 94 be removed so that existing overhead utility lines less than 50 kilovolts would not have to be undergrounded. (Exhibit No. 2 and Exhibit No. 3)

In a memo dated September 23, 2008, the Development Services, General Manager/City Engineer stated that the city is currently in the process of identifying appropriate "Districts" where existing overhead utility lines will be required to be undergrounded and recommended the Planning Commission rescind condition no. 94 due to its location within an area unlikely to be included within the future Underground Power Line Utility District. (Exhibit No. 4)

On September 24, 2008 the applicant filed a formal application and paid all applicable fees for Modification No. 1.

### III. Analysis

The intent of Condition No. 94 to underground utilities less than 50 kilovolts is to improve the aesthetics of the development and surrounding area. The street median adjacent to the project site and adjacent area located at 501 East Albertoni Street is surrounded by several utility and power poles exceeding 50 kilovolts. Upon further examination and research, the Planning Division in coordination with the Engineer Division has determined the undergrounding of utility poles less than 50 kilovolts within the project area would have minimal to no impact in improving the aesthetics of the air space due to the excessive amount of power poles to be remained.

According to estimates provided by the contractor, undergrounding all existing utility lines less than 50 kilovolts would cost approximately \$120,000 to \$180,000 depending on the design requirements. The Planning and Engineering Division consider Condition No. 94 to be financially burdensome to the applicant given the outcome of minimal to no aesthetic improvements.

As stated in the memo dated September 23, 2008, the Engineer Division is currently in the process of identifying undergrounding "Districts" within the city where undergrounding of utilities will be appropriate and feasible. Preliminary studies for this "District" identified that the amount of high-voltage power lines and the costs associated with undergrounding the utility lines on Avalon Boulevard between Carson Plaza Drive and San Pedro Street would not be feasible or an appropriate area to include in the future Underground Power Line Utility District.

### IV. Conclusion

Due to the amount of high-voltage power lines that are existing within the street median adjacent to the project site and the costs associated with the undergrounding of utilities, Condition No. 94 would have little to no impact in approving the aesthetics of the area.



Therefore, the Engineering and Planning Divisions request that the Commission rescind Condition No. 94, requiring undergrounding of overhead utility lines.

**V. Environmental Review**

Pursuant to Section 15301 of the California Environmental Quality Act (CEQA), the request is Categorical Exempt. No significant environmental impacts would result.

**VI. Recommendation**

That the Planning Commission:

- APPROVE Modification No. 1 to delete Condition No. 94 to Design Overlay Review No. 975-06; and
- ADOPT a minute resolution deleting Condition No. 94 to Design Overlay Review No. 975-06.

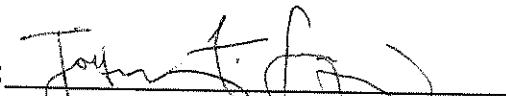
**VII. Exhibits**

1. Revised Resolution No. 07-2129 including Conditions of Approval.
2. Letter from Applicant dated, September 30, 2008.
3. Letter from Applicant dated, July 18, 2008.
4. Memo from City Engineer dated September 23, 2008.

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. 07-2129**

**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.

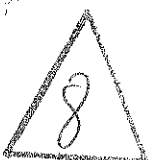
**Section 8.** This action shall become final and effective fifteen days after the adoption of this Resolution unless within such time an appeal is filed with the City Clerk in accordance with the provisions of the Carson Zoning Ordinance.

**PASSED, APPROVED AND ADOPTED THIS 27<sup>th</sup> DAY OF FEBRUARY 2007.**

\_\_\_\_\_  
**CHAIRMAN**

**ATTEST:**

\_\_\_\_\_  
**SECRETARY**





**CITY OF CARSON**  
**DEVELOPMENT SERVICES**  
**PLANNING DIVISION**

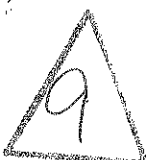
**EXHIBIT "B"**

**CONDITIONS OF APPROVAL**

**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**

GENERAL CONDITIONS

1. If 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 are not used within one year of its/their effective date, said permit(s) shall be declared null and void unless an extension of time is previously approved by the Planning Commission.
2. The applicant shall comply with all city, county, state and federal regulations applicable to this project.
3. The applicant shall make any necessary site plan and design revisions and shall submit two complete sets of plans to the Planning Division in order to comply with all the conditions of approval and applicable Zoning Ordinance provisions. The revisions to the plans shall be reviewed and approved by the Planning Division prior to the issuance of a building permit. Substantial changes will require review by the Planning Commission.
4. 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.
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. Said plans shall have the Conditions of Approval copied on the title page.
7. Within forty-eight hours of approval of the subject project, the applicant shall deliver to the Planning Division a cashier's check or money order payable to the County Clerk in the amount of \$25.00 (twenty-five dollars) pursuant to AB 3185, Chapter 1706, Statutes of 1990, to enable the city to file the Notice of Determination required under Public Resources Code Section 21152 and 14 California. Code of Regulations 15075. If within such forty-eight hour period the



applicant has not delivered to the Planning Division the above-noted cashier's check or money order, the approval for the project granted herein may be considered automatically null and void.

8. In addition, should the Department of Fish and Game reject the Certificate of Fee Exemption filed with the Notice of Determination and require payment of fees, the applicant shall deliver to the Planning Division, within forty-eight hours of notification, a cashier's check or money order payable to the County Clerk in the amount of \$1,250 (one thousand two hundred fifty dollars) pursuant to AB 3158, Chapter 1706, Statutes of 1990. If this fee is imposed, the subject project shall not be operative, vested or final unless and until the fee is paid.
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. Design Overlay Review 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 permit becomes 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.
12. 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.
13. 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. 975-06; Variance Nos. 487-06; 488-06; and 489-06 and Conditional Use Permit (CUP) No. 645-06. 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.

- 13a. Should the need arise to hire new employees, the applicant shall contact the Carson Job Clearing House, (310) 233-4888, for consideration of qualified applicants.

#### PARKING

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 identified (marked) as provided in Section 9162.56 of the Zoning Ordinance.
16. Parking spaces shall be provided with perimeter guards as provided in Section 9162.55 of the Zoning Ordinance.
17. The Fire Department turnaround shall remain clear and marked, "No Parking." Painted red curbs or stripes shall be used if necessary.
18. 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.
19. Compact spaces shall be properly designated pursuant to Section 9162.43 of the Zoning Ordinance.
20. Parking for handicapped shall comply with the requirements of Section 9162.42 of the Zoning Ordinance.
21. Large truck deliveries and trash receptacle pickup shall be confined to non-peak hours, coordinated by the Planning Manager for early morning or late evening hours, to the extent feasible in order to accommodate the tenants but not to conflict with peak demand.

#### LANDSCAPING/IRRIGATION

22. The applicant shall submit two sets of landscaping and irrigation plans drawn, stamped, and signed by a licensed landscape architect. Such plans are to be approved by the Planning Division prior to the issuance of any building permit.
23. The applicant shall comply with the provisions of Section 9168 of the Zoning Ordinance, "Water Efficient Landscaping."
24. 6" x 6" concrete curbs are required around all landscaped planter areas, unless the Standard Urban Stormwater Mitigation Plan (SUSMP) and best management practices (BMPs) dictate another approach.



25. 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.
26. Landscaping and irrigation plans shall be stamped and signed by a licensed landscape architect and are to include, but are not limited to:
  - a. Vine-like landscaping along perimeter walls, including trash enclosure units;
  - b. Mounded landscaping along street to a maximum height of thirty six inches;
  - c. A minimum of 24-inch box trees shall be installed within all setback and internal site areas.
  - d. Annual flowers at entry and focal points; five and one gallon shrubs; and flats of ground cover planted 8-inches on center;
  - e. Irrigation system designed to commercial grade standards.
27. A colorful vine shall be installed along the entire chainlink fencing at the rear property line.
28. A landscaped parkway with irrigation, sod and trees shall be installed under the direction of the Engineering Department.

#### GRAFFITI LANDSCAPING

29. 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.
30. 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

31. 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.
32. Public utility easements shall be provided in the locations as required by all utility companies with easements free and clear of obstructions, and electrical utilities shall be installed underground.



33. Any aboveground utility cabinet or equipment shall be screened from the public right-of-way by a decorative block wall or landscaping, to the satisfaction of the Planning Division.
34. The applicant shall remove at his own expense any obstructions within the utility easements that would interfere with the use for which the easements are intended.
35. All roof mounted equipment shall be screened from public view or incorporated into the design of the structure or building.
36. 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

37. Down spouts shall be interior to the structure or architecturally integrated into the structure to the satisfaction of the Director, and shall drain into landscaped areas.
38. Wrought iron and railings shall be sculptured or otherwise designed in such a way as to create interest.
39. The specification of all colors and materials must be submitted and approved by the Planning Division prior to the issuance of any building permits.
40. 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.
41. Site plan shall incorporate bike racks and decorative litter receptacles at various locations in the parking and walkway areas.
42. A stamped and stained concrete pattern shall occur at all driveway areas.
43. The plaza surrounding the fountain shall contain decorative benches, trash receptacles and decorative pedestrian lighting as approved by the Planning Division.

### SIGNS

44. 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 approval of the Planning Commission.
45. 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.

46. All permitted business signs must be in compliance with the provisions of Section 9136.7 of the Zoning Ordinance. No more than one (1) monument sign permitted.
47. Colorful plants/shrubs shall surround the base of the monument/pylon signs at a minimum of 200 square feet.

#### FENCES/WALLS

48. Perimeter walls shall be architecturally coordinated with the project buildings and subject to the approval of the Planning Division.
49. All fences, walls and hedges shall be located and constructed in compliance with the standards as provided for in Section 9136.3 of the Zoning Ordinance.
50. Colorful climbing vines shall be attached to entire length of rear chainlink fencing.
51. Future walls shall be of decorative material to include stucco block; slumpstone or splitface.

#### LIGHTING

52. All exterior lighting shall be provided in compliance with the standards as provided for in Section 9137.1 of the Zoning Ordinance.
53. A precise lighting plan shall be submitted showing all proposed building, parking lot and accent lighting, subject to the approval of the Planning Division.
54. Parking lot lighting fixtures shall feature a consistent theme throughout the master planned development. Such units shall be approved by the Planning Division prior to installation.
55. All lighting in buildings, landscaping, parking lots and similar facilities shall be directed away from all adjoining and nearby residential property. Such lighting shall be arranged and controlled so as not to create a nuisance or hazard to traffic or to the living environments.

#### TRASH

56. The trash enclosure unit shall be located on a four inch concrete pad screened by a six foot high decorative concrete block wall that is compatible with the architectural design of the main building. Unit shall feature self closing wrought iron doors with opaque metal screen. Trash enclosure design is to be approved by the Planning Division prior to issuance of any building permit(s). Such areas shall be located to permit adequate vehicular access for collection of trash and other materials. No storage shall be permitted above the height of surrounding walls. A 6" by 6" concrete curb shall be installed to protect the interior of the walls. Trash enclosures shall comply with Section 9164.3 and 9164.4 of the CMC.

57. Recycling areas shall be provided in accordance with Sections 9164.4 and 9164.5 of the Zoning Ordinance. The number and size of recycling facilities are subject to the approval of the Planning Division.

#### AIR QUALITY

58. Construction parking shall be configured to minimize air quality impacts to adjacent residences.
59. Temporary traffic controls (i.e., flag person) shall be provided during all construction phases to maintain traffic flow.
60. Truck deliveries shall be consolidated when possible.
61. Construction equipment and vehicle engines shall be maintained in good condition and in proper tune as per manufacturers' specifications and per SCAQMD rules, to minimize exhaust emissions.
62. Methanol- or natural gas-powered mobile equipment and pile drivers shall be used instead of diesel to the extent available and at competitive prices.
63. Propane- or butane-powered onsite mobile equipment shall be used instead of gasoline to the extent available and at competitive prices.
64. Exposed piles (i.e., gravel, sand, and dirt) shall be enclosed, covered, or watered twice daily, or an approved soil binder shall be used.
65. Active grading sites shall be watered at least twice daily.
66. Excavation and grading operations shall be suspended when wind speeds (as instantaneous gusts) exceed 25 miles per hour over a 30-minute period.
67. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (i.e., minimum vertical distance between top of the load and the top of the trailer), in accordance with Section 23114 of the California Vehicle Code.
68. Streets shall be swept at the end of the day if visible soil material is carried over to adjacent roads.
69. Wheel washers shall be installed where vehicles enter and exit unpaved roads onto paved roads.
70. Trucks and any equipment leaving the site shall be washed if dirt, sand, soil, or other loose material is visible.
71. Water shall be applied three times daily, or chemical soil stabilizers shall be used according to manufacturers' specifications, to all unpaved parking or staging areas or unpaved road surfaces.
72. Traffic speed limits of 15 miles per hour or less shall be posted and enforced on all unpaved roads.

73. The grading contractor shall provide watering of the active grading area at least twice a day, throughout the grading phase.

#### NOISE

74. The project contractor(s) shall implement, but not be limited to, the following best management practices (BMPs):
- a. Exterior construction activities at the project site shall be limited to the hours of 7:00 a.m. to 7:00 p.m. Monday through Saturday and shall exclude public holidays. Interior construction activities that do not generate exterior noise are exempt from this requirement.
  - b. All construction equipment with a high noise generating potential, including all equipment powered by internal combustion engines, shall be muffled or controlled.
  - c. All stationary noise generating equipment, such as compressors, shall be located as far as possible from existing houses/mobile homes.
  - d. Machinery, including motors, shall be turned off when not in use.
  - e. Mobile equipment shall not be allowed to run idle near existing residences or schools.
  - f. A 24 by 36 inch sign shall be conspicuously posted on the construction site fence or other method of posting, listing the name and phone number of the project sponsor and/or "disturbance coordinator" responsible for responding to any local complaints regarding construction noise, emissions and/or inquiries.
  - g. The coordinator (who may be an employee of the developer or general contractor) shall determine the cause of the complaint and shall require that reasonable measures warranted to correct the problem be implemented.
75. All construction equipment powered by internal combustion engines shall be equipped with proper mufflers and air-intake silencers in good working order.

#### BUSINESS LICENSE DIVISION

76. 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.

#### BUILDING AND SAFETY

77. Prior to issuance of a Building Permit, Proof of Worker's Compensation and Liability Insurance must be on file with the Los Angeles County Building and Safety Department.
78. The proposed project shall meet all requirements of the American Disabilities Act (ADA).





ENGINEERING SERVICES DIVISION-TRAFFIC, CITY OF CARSON

79. Should El Pescador restaurant 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 new 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.

ENGINEERING SERVICES DIVISION- CITY OF CARSON

80. Prior to issuance of Building Permit, a 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 quality plan information have been received and found satisfactory
81. Comply with mitigation measures recommended in the approved soils, sewer area study, drainage concept and stormwater quality plan.
82. CC&R's (covenants, conditions, and restrictions) to address drainage responsibilities are required.
83. 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.
84. Quitclaim or relocate any easements interfering with building locations to the satisfaction of the City, appropriate agency or entity.
85. Install full landscaped parkway and sidewalk along the frontage of the development on Albertoni Street per City of Carson Standard, to match adjacent off-site improvements to the west of the subject site.
86. Repair any broken or raised sidewalk, curb and gutter along Albertoni Street and along Avalon Boulevard within or abutting this proposed development per City of Carson Standard and to the satisfaction of the City Engineer.
87. The Developer shall fill in missing sidewalk, remove and replace any broken/damaged driveway in the public right of way abutting the proposed development per City of Carson Standard and to the satisfaction of the City Engineer.
88. 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.

89. 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 width allowed for the site is 30 feet.
90. Where sidewalk meander around existing driveways and extending beyond the public right of way at any location, the required described sidewalk easements shall be submitted and approved prior to issuance of the building permit.
91. Remove unused driveway 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.
92. Modify wheelchair ramp at the corner of Albertoni Street and Avalon Blvd per City of Carson Standard, in compliance with ADA requirements. Install streetlights on concrete poles with underground wiring along Albertoni Street to the satisfaction of the L.A. County Street Lighting Division, Department of Public Works.
93. The Developer shall annex the area to the L.A. County Lighting Maintenance District, for the purpose of operating and maintaining the streetlights to be installed. The annexation shall be completed prior to the issuance of the Certificate of Occupancy.
- ~~94. All existing overhead utility lines less than 50 kilovolts, along Avalon Boulevard and all new overhead utility lines shall be underground to the satisfaction of the City Engineer. The developer shall be relieved of any obligation for undergrounding of the utility lines along Avalon Boulevard subject to the Carson Redevelopment Agency assuming full responsibility for said obligation.<sup>1</sup>~~
95. Plant parkway grass and selected street trees along Albertoni Street to the satisfaction of the City Engineer.
96. Install irrigation system for the purpose of maintaining the parkway along Albertoni Street.
97. Prior to issuance of Certificate of Occupancy, off-site improvements shall be in place to the satisfaction of the City Engineer.
98. Paint curb red along Avalon Boulevard to the satisfaction of the City Traffic Engineer. The curb on Albertoni Street, approximately 30 feet near any driveway, shall be painted red so that vehicles do not obstruct visibility to the satisfaction of the City Traffic Engineer.

---

<sup>1</sup> Condition No. 94 deleted by the Planning Commission on October 14, 2008.

99. 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.
100. 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.
101. The Developer shall send a print of the development map to the County Sanitation District, to request for annexation. The request for annexation must be approved prior to Final Map approval.
102. Offsite sewer improvements are tentatively required.
103. 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.
104. A water system maintained by the water purveyor, with appurtenant facilities to serve all buildings in the development must be provided. The system shall include fire hydrants of the type and location as determined by the Fire Department. The water mains shall be sized to accommodate the total domestic and fire flows.
105. Offsite water improvements are tentatively required.
106. 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.
  - a. Street Improvements along Albertoni Street and along Avalon Boulevard.
107. A construction permit is required for any work to be done in the public right-of-way.
108. 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.
109. 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.

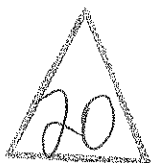
110. The Developer shall construct and guarantee the construction of all required drainage infrastructures in accordance with the requirements and recommendations of the drainage study, subject to the approval of the City Engineer.
111. Prior to issuance of Building Permit, the following must be on file:
- a. Drainage/Grading plan prepared by a registered Civil Engineer, to the satisfaction of the Building and Safety Division.
  - b. Construction bond as required for all work to be done within the public right of way.
  - c. Proof of Worker's Compensation and Liability Insurance.
112. Developer shall make a cash payment to the City of Carson In-Lieu of constructing the following Public Works improvements: (cost of improvement to be determined)
- a. Landscaped Median along Albertoni Street frontage of the proposed development
113. 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.

#### THE GAS COMPANY

114. It is extremely important that you furnish us with "**signed**" **final plans**, before construction, including profiles and subsequent plan revisions as soon as they are available. A minimum of twelve (**12**) weeks is needed to analyze the plans and design alterations for any conflicting facilities. Depending on the magnitude of the work involved, additional time may be required to clear the conflict.
115. Underground Service Alert (USA) must be notified 48 hours prior to commencing work @ (800) 442-4133 or (800) 227-2600. Please keep us informed of construction schedules, pre-construction meetings, etc., so that we can schedule our work accordingly.

#### DEPARTMENT OF TRANSPORTATION, DISTRICT 7 – REGIONAL PLANNING

116. This project should receive encroachment permit review by Caltrans. Please submit six (6) complete sets of plans including two (2) sets of all engineering documents to the Caltrans Permit Office for review.



117. Any questions can be referred to the Project Engineer/Coordinator Mr. Yerjanian at (213) 897-6536 and refer to IGR/CEQA #070147NY.

COUNTY OF LOS ANGELES PUBLIC HEALTH

118. If applicable, contact the Mountain and Rural/Water, Sewage, and Subdivision Program about approval of private sewage disposal systems and private potable water wells.
119. Contact the Plan Check Program of Environmental Health at (626) 430-5360 concerning their requirements for permitting food facilities at the project site.
120. Contact the Recreation Health Program of Environmental Health at (626) 430-5360 concerning their requirements for permitting water fountains at the project site.

COUNTY SANITATION DISTRICTS OF LOS ANGELES COUNTY

121. The wastewater flow originating from the proposed project will discharge to a local sewer line, which is not maintained by the Districts, for conveyance to the Districts' Victoria Street Trunk Sewer, located in Albertoni Street west of Avalon Boulevard. This 15-inch diameter trunk sewer has a design capacity of 3.1 million gallons per day (mgd) and conveyed a peak flow of 2.4 mgd when last measured in 2007.
122. The wastewater generated by the proposed project will be treated at the Joint Water Pollution Control Plant (JWPCP) located in the City of Carson. The JWPCP has a design capacity of 385 mgd and currently processes an average flow of 317.6 mgd.
123. The expected average wastewater flow from the project site is 12,810 gallons per day.
124. The Districts are empowered by the California Health and Safety Code to charge a fee for the privilege of connecting (directly or indirectly) to the Districts' Sewerage System or increasing the existing strength and/or quantity of wastewater attributable to a particular parcel or operation already connected. This connection fee is required to construct an incremental expansion of the Sewerage System to accommodate the proposed project, which will mitigate the impact of this project on the present Sewerage System. Payment of a connection fee will be required before a permit to connect to the sewer is issued. A copy of the Connection Fee Information Sheet is enclosed for your convenience. For more specific information regarding the connection fee application procedure and fees, please contact the Connection Fee Counter at extension 2727.



125. In order for the Districts to conform to the requirements of the Federal Clean Air Act (CAA), the design capacities of the Districts' wastewater treatment facilities are based on the regional growth forecast adopted by the Southern California Association of Governments (SCAG). Specific policies included in the development of the SCAG regional growth forecast are incorporated into the Air Quality Management Plan, which is prepared by the South Coast Air Quality Management District in order to improve air quality in the South Coast Air Basin as mandated by the CAA. All expansions of Districts' facilities must be sized and service phased in a manner which will be consistent with the SCAG regional growth forecast for the counties of Los Angeles, Orange, San Bernardino, Riverside, Ventura, and Imperial. The available capacity of the Districts' treatment facilities will, therefore, be limited to levels associated with the approved growth identified by SCAG. As such, this letter does not constitute a guarantee of wastewater service, but is to advise you that the Districts intend to provide this service up to the levels which are legally permitted and to inform you of the currently existing capacity and any proposed expansion of the Districts' facilities. If you have any questions, please contact Ruth I. Frazen, Engineering Technician, at (562) 908-4288, extension 2717.

THE COUNTY OF LOS ANGELES FIRE DEPARTMENT

126. Submit two (2) 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.
127. Provide the following information on the site plan:
- a. Fire Department access shall comply with Section 902 of the Los Angeles County Fire Code.
  - b. Cross-hatch any on-site Fire Department vehicular access.
  - c. Show any existing fire hydrants within 300 feet of the lot frontage.
  - d. Submit a fire flow availability form along with plans.
  - e. All fire hydrants shall measure 6" x 4" x 2 1/2", conforming to AWWA Standard C503-75 or approved equal.
  - f. Section 903 of the Los Angeles County Fire Code and Los Angeles County Fire Department Regulation 8 will be used to determine the fire flow requirements and if installation of additional fire hydrants is required.
  - g. Show type of construction, occupancy classification, square footage of structure per floor and number of floors.
  - h. Indicate address of subject property.



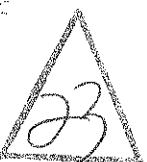
128. Contact Fire Prevention Engineering, Inspector Marion Jaikowski, at (310) 263-2732 for additional Fire Department requirements.

EASEMENTS

129. A Covenant and Agreement form for an existing easement shall be recorded with the Los Angeles County Recorder's office prior to the issuance of a building permit. Said document shall indicate all easements.

DEPARTMENT OF TOXIC SUBSTANCES CONTROL

130. Any hazardous wastes/materials encountered during construction shall be remediated in accordance with local, state, and federal regulations.





September 30, 2008

Ms. Sherri Repp  
City of Carson  
Planning Manager  
701 E. Carson Street  
Carson, CA 90745

**RE: University Square: 501 E. Albertoni St., Carson  
Removal of Condition # 94: Underground Utilities**

228 south beverly dr.

Ms. Repp,

beverly hills

california

90212-3805

usa

tel 310.652.1177

fax 310.652.3165

www.primestor.com

For the past nine months, Primestor Development, Inc. has been working diligently on construction of the University Square project located on the corner of Albertoni Street and Avalon Avenue per a Disposition and Development Agreement with the Redevelopment Agency. Building spaces are being delivered to tenants starting October 1, 2008 and each tenant will be completing their interior improvements over the coming months. Primestor is also collaborating with the Carson Career Center to host a large job fair on January 24, 2009 to encourage local hiring in the Community. University Square is expected to open in early 2009 and will be a catalyst for future growth in that area of the City.

Primestor has now completed all of the City's Conditions of Approval with the exception of Condition No. 94 which states, "All existing overhead utility lines less than 50 kilovolts, along Avalon Boulevard and all new overhead utility lines shall be underground to the satisfaction of the City Engineer. The developer shall be relieved of any obligation for undergrounding of the utility lines along Avalon Boulevard subject to the Carson Redevelopment Agency assuming full responsibility for said obligation."

In order to allow the Project to proceed on schedule, at the time of final approvals Primestor allowed the entitlements to proceed due to a clear understanding that Condition No. 94 was not going to be a Developer requirement. Language in said Condition was crafted with that purpose in mind. Primestor has had extensive negotiations over the last year with the Redevelopment Agency and other City staff regarding the development, including the undergrounding of utilities on Avalon Boulevard. All along it has been Primestor's understanding that given our willingness to advance the Project as scheduled and previous conversations, that Condition No. 94 would not be imposed on the project as referenced in the attached





correspondence. As such, the project was not designed or conceived to include the undergrounding of utility lines along Avalon and plans for said work were never intended to be created.

It is respectfully requested that Condition No. 94 be formally removed. The implementation of Condition No. 94 will require the cost prohibitive re-building of the site work and cause material delays to the Project that will result in its ultimate failure. If Primestor cannot furnish Certificates of Occupancy to the tenants by scheduled opening date, it will then be in default of several leases which will result in substantial financial penalties and open the door to possible fatal lease terminations.

We look forward to the upcoming Grand Opening celebration for this unique center with your assistance on this urgent matter. Please let us know if you have any questions. You can reach me or Vanessa Delgado at (310) 652-1177. Thank you.

Respectfully,



Arturo Schneider  
Primestor Development, Inc.  
For 501 Albertoni LLC

Attachments

Cc: Victor Rollinger, City Engineer  
Sharon Song, Associate Planner



July 18, 2008

Jerry Groomes  
City Manager  
City of Carson  
701 East Carson Street  
Carson, CA 90745

RE: "UNIVERSITY SQUARE" UNDERGROUNDING REQUIREMENT

Dear Jerry,

As you know, construction of the University Square project is progressing quickly and we expect to be complete with site improvements and building construction in the next few months.

In anticipation of the completion of construction, City Staff has been monitoring the completion of the project Conditions of Approval. One of the project conditions required that utilities along Avalon be undergrounded. This Condition was a critical issue before the Planning Commission approval of the project and was the subject of the attached letter request to remove this condition. This item was described as a "deal killer" issue that if implemented would cause the failure of the project.

Following the submittal of the attached request, it was determined through several conversations between you, Ron Winkler and me that although the condition could not be removed, the requirement would NOT be enforced. This is further evidenced by the specific language of the item (condition #94) which left resolution to the City Engineer. At the time, you stated that this language would ensure that the requirement would be waived. Our understanding as such is evidenced by the fact that the proforma did not and does include undergrounding costs and no work was performed to begin undergrounding said utilities.

This item is critical as we will not be able to obtain a Certificate of Occupancy as expected in the next few months and the project will not be able to be completed. The fact that this condition will NOT be enforced must be clearly communicated to City Staff in writing in short order. I ask that you please formalize this previously accorded agreement as soon as possible.

Your assistance on this urgent matter is greatly appreciated.

Respectfully,  
PRIMESTOR DEVELOPMENT, INC.  
on behalf of 501 Albertoni LLC.

Arturo Snodder

cc: Wicente Ortiz

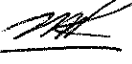
Real Estate Development - Leasing - Management  
228 South Beverly Drive, Beverly Hills, CA 90212 - (310) 652-1177 - Fax (310) 652-3165

Exhibit 3





CITY OF CARSON  
MEMORANDUM

**TO: PLANNING COMMISSION**  
**FROM: M. VICTOR ROLLINGER, DEVELOPMENT SERVICES, GENERAL  
MANAGER/CITY ENGINEER**   
**SUBJECT: RESCIND THE CONDITION OF APPROVAL FOR UNDERGROUNDING  
OVERHEAD UTILITY LINES, DOR NO. 975-06**  
**DATE: SEPTEMBER 23, 2008**

The Carson Municipal Code specifies under what circumstances development can be required to provide public improvements, including but not limited to the underground of utilities. Presently, the Engineering Division reviews projects on a case-by-case basis to determine if utilities should be placed underground. The Engineering Division, in co-operation with the Planning Division and Redevelopment Agency, is in the process of establishing an "Underground Power Line Utility District" to further determine the public necessity, health, safety, or welfare regarding the removal of poles, overhead wires and associated overhead structures.

The "District" will identify areas within the city where existing overhead utility lines will be required to be undergrounded. Thereafter, property owners and applicants will be informed if undergrounding of existing overhead utility lines will be a requirement of their proposed development. At times, it may not be reasonably possible to underground portions of overhead utility lines; therefore certain areas will not be included within the District or an option will be authorized for certain areas to allow the developers to pay an in-lieu fee to the city, equivalent to the cost of the undergrounding. These fees will be deposited in a separate city account and could be utilized for all future undergrounding projects within the city.

As a result of preliminary studies for this District, we believe that in certain areas of the city, such as on Avalon Boulevard between Carson Plaza Drive and San Pedro Street where truss-towers with high-voltage power lines exist in the street median, very little, if any, aesthetic or other improvement would be accomplished by undergrounding overhead power lines along street parkway areas. As such, the above-mentioned section of Avalon Boulevard is not anticipated to be included in the future Underground Power Line Utility District.

The Engineering Division requests that the Planning Commission rescind the condition of approval of the below listed DOR, requiring undergrounding of overhead utility lines, since this property is adjacent to Avalon Boulevard between Carson Plaza Drive and San Pedro Street:

**501 E. Albertoni Blvd.**  
**DOR no. 975-06, COA #94**

All existing overhead utility lines less than 50 kilovolts, along Avalon Boulevard and all new overhead utility lines shall be underground to the satisfaction of the City Engineer. The developer shall be relieved of any obligation for undergrounding of the utility lines along Avalon Boulevard subject to the Carson Redevelopment Agency assuming full responsibility for said obligation.

