



## CITY OF CARSON

### PLANNING COMMISSION STAFF REPORT

PUBLIC HEARING: January 12, 2010  
SUBJECT: Conditional Use Permit No. 722-09  
APPLICANT: George Lopez, Carson Hope Chapel Church  
129 East 223<sup>rd</sup> Street  
Carson, CA 90745  
REQUEST: To permit community day care (child day care) services at Carson Hope Chapel Church within the RM-25-D (Residential, Multi-family – 25 units per acre – Design Overlay) zoning district  
PROPERTY INVOLVED: 129 East 223<sup>rd</sup> Street

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#### COMMISSION ACTION

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

#### COMMISSIONERS' VOTE

AYE	NO		AYE	NO	
		Chairman Faletogo			Graber
		Vice-Chair Saenz			Park
		Brimmer			Schaefer
		Brown			Verrett
		Gordon			

***Item No. 11A***

## **I. Introduction**

The applicant, George Lopez, is requesting approval of Conditional Use Permit (CUP) No. 722-09 on behalf of Carson Hope Chapel Church to permit child day care services as an accessory use to an existing church. Carson Hope Chapel Church is located at 129 East 223<sup>rd</sup> Street and within the RM-25-D (Residential, Multi-family, Design Overlay) zoning district. The church will be operating the child day care services.

The applicant anticipates enrolling a maximum of 20 children of pre-school age. Ages will range from infants to four (4) years old. The anticipated operating hours of the facility will be Monday through Friday from 6:30 a.m. to 6:00 p.m.

## **II. Background**

The site is located on the north side of 223<sup>rd</sup> Street, which is a major arterial capable of handling traffic generated by the site. The site is bound by multifamily residences to the east and west. To the north is a single-family neighborhood that is accessed from Main Street. South of the site across 223<sup>rd</sup> Street is Carson High School. The existing church building was constructed in 1962 and has been operating as a church since that time. There are no zoning code enforcement cases associated with this site.

Per California State Health and Safety Code Section 1596.60, all child care centers are required to be licensed and regulated by the Department of Social Services. The state of California defines child care centers to be, "any child day care facility other than a family (residence) day care home. This includes infant centers, preschools, day care centers, and extended day care facilities." The applicant will be required to comply with the Department of Social Services Community Care Licensing Division and the regulations found in Title 22 of the California Code of Regulations.

Per state requirements, 35 square feet of indoor play space and 75 square feet of outdoor play space shall be available for each child.

The proposed nursery and youth room will be designated as the indoor play space for the facility. The indoor play space is approximately 800 square feet, which will accommodate up to 22 children per state requirements. The outdoor grass area and jungle gym will be designated as the outdoor play space. For 22 children, a minimum of 1,650 square feet of outdoor space must be provided. The outdoor play space is approximately 4,000 square feet which exceeds state requirements.

Although the applicant anticipates a maximum enrollment of 20 children, the Department of Social Services will designate and license a specific capacity based on fire clearance, physical features of the facility, and available staff to meet the needs of the children.

### *Carson Municipal Code Requirements*

Carson Municipal Code (CMC) Section 9121.1 – Uses Permitted currently categorizes the state's definition of "child care center" as a "child day care" under the



broader term, "community day care facilities." Under the current CMC, community day care facilities within the RM (Residential, Multi-family) zoning district are required to obtain a Conditional Use Permit (CUP).

Staff is working on an ordinance amendment for child day care facilities that will make the CMC consistent with state requirements. Staff anticipates bringing this item to the Planning Commission in early 2010.

### III. Analysis

#### *Conditional Use Permits*

According to CMC Section 9172.21 – Conditional Use Permit, the Planning Commission shall approve the request for a community day care facility within the RM zone 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 proposed use is consistent with the General Plan of the city of Carson in that the subject property is designated for High Density Residential and zoned RM (Residential, Multifamily). The site currently operates as a church and the community day care services are considered an accessory use. The site is surrounded by multifamily residences and a high school. The use is consistent with the surrounding residential development.

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

The proposed use will be conducted in a building that is in compliance with the city's design and development standards. The existing building is currently being utilized for an assembly use (church). According to the 2008 Los Angeles County Building Code, child care service falls within the same occupancy code as an assembly use, therefore utilities and other factors can accommodate the proposed use. The existing site is adequate in size, shape, topography, and location to accommodate a community day care facility.

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

Adequate driveway widths are provided on the site. Appropriate easements are available for circulation and to ensure safety for pedestrians and motorists. Since the proposed use only includes preschool children, parents or guardians will most-likely park their vehicles within the church parking lot and escort their children inside the building.

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

Prior to the issuance of building permits, the Los Angeles County Fire Department will ensure adequate water supply for fire protection.



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

Adjacent properties to the east and west are zoned RM (Residential, Multi-family) and Carson High School is located across 223<sup>rd</sup> Street. Community day care facilities are permitted within the RM zone with the approval of a CUP. Community day care facilities are common within residential zones and compatible with the intended character of the area.

- f. Such other criteria as are specified for the particular use in other sections of this chapter (Zoning Ordinance).

The proposed use meets the goals and objectives of the General Plan and is consistent with applicable zoning and design regulations subject to compliance with the conditions of approval. Therefore all of the required findings pursuant to Section 9172.21(D), "Conditional Use Permit, Commission Findings and Decision" can be made in the affirmative.

#### IV. Environmental Review

Pursuant to Section 15301 – Existing Facilities (Class 1) of the California Environmental Quality Act (CEQA), the proposed use of a community day care facility within an existing church building falls reasonably within this category and is exempt. The proposed use does not have the potential to cause a significant effect on the environment.

#### V. Recommendation

That the Planning Commission:

- APPROVE the proposed project; and
- WAIVE further reading and ADOPT Resolution No. 10-\_\_\_\_, entitled "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON APPROVING CONDITIONAL USE PERMIT NO. 722-09 FOR CHILD DAY CARE SERVICES LOCATED AT 129 EAST 223<sup>RD</sup> STREET."

#### VI. Exhibits

1. Draft Resolution
2. Site Map
3. Existing Site Plan

Prepared by: \_\_\_\_\_

Sharon Song, Associate Planner

Reviewed by: \_\_\_\_\_

John F. Signo, AICP, Senior Planner

Approved by: \_\_\_\_\_

Sheri Repp, Planning Officer



CITY OF CARSON  
PLANNING COMMISSION  
RESOLUTION NO. 10-XXXX

A RESOLUTION OF THE PLANNING COMMISSION OF THE  
CITY OF CARSON APPROVING CONDITIONAL USE PERMIT  
NO. 722-09 FOR CHILD DAY CARE SERVICES LOCATED AT  
129 EAST 223<sup>RD</sup> 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, George Lopez on behalf of Carson Christian Church, with respect to real property located at 129 East 223rd Street and described in Exhibit "A" attached hereto, requesting the approval of Conditional Use Permit No. 722-09 for child day care services in the RM-25-D (Residential, Multifamily – Design Overlay) zoning district. "Child day care" is categorized under the broader category of a "community day care facility" which is permitted in the RM-25-D zoning district with approval of a conditional use permit.

The Planning Commission duly held a public hearing on January 12, 2010 at 6:30 P.M. at City Hall, Council Chambers, 701 East Carson Street, Carson, California. A notice of time, place and purpose of the aforesaid meeting was duly given.

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

**Section 3.** Pursuant to Carson Municipal Code (CMC) Section 9172.21, Conditional Use Permit the Planning Commission finds that:

- a) The General Plan Land Use designation for the subject property is High Density Residential, with which the existing zoning of RM-25-D and proposed use is compatible.
- b) The site is adequate in size, shape, topography, location, and utilities to accommodate the proposed use.
- c) Adequate driveway widths are provided on the site. Appropriate easements are available for circulation and to ensure safety for pedestrians and motorists.
- d) Adequate water supply for fire protection is provided on-site.
- e) The proposed use of a community day care facility is compatible with the intended character of the site.
- f) The proposed CUP application for a child day care facility meets the goals and objectives of the General Plan and is consistent with applicable zoning and design regulations. Therefore, all of the required findings pursuant to CMC Section 9172.21 (D), "Conditional Use Permit, Approval Authority and Findings and Decision" can be made in the affirmative.

**Section 4.** Pursuant to Section 15301 of the California Environmental Quality Act (CEQA) – Existing Facilities, the proposed use for a community day care facility is "Categorically Exempt". No significant environmental impacts would result from this proposal.



**Section 5.** Based on the aforementioned findings, the Commission hereby grants Conditional Use Permit No. 722-09 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 12<sup>th</sup> DAY OF JANUARY, 2010.**

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

**ATTEST:**

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

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PARCEL I.

That portion of lot 5 of Tract No. 2982, in the county of Los Angeles, State of California, as per map recorded in book 35 page 31 of Maps, in the office of the county recorder of said county, described as follows:

Beginning at a point in the center line of Wilmington Street (now 223rd Street) as shown on said map, distant thereon North  $89^{\circ} 43'$  East 311.50 feet from the intersection of said center line with the center line of Main Street as shown on said map; thence at right angles North  $0^{\circ} 17' 00''$  West 25.00 feet to a point in the northerly line of said 223rd Street, said last mentioned point being the true point of beginning of this description; thence from said true point of beginning along said 223rd Street North  $89^{\circ} 43'$  East 50.00 feet; thence at right angles North  $0^{\circ} 17' 00''$  West 155.00 feet, more or less, to a line parallel with and distant southerly 150.00 feet measured at right angles from the northerly line of said lot 5; thence along said parallel line South  $89^{\circ} 43'$  West 50.00 feet to a line bearing northerly at right angles from said center line of 223rd Street and which passes through the true point of beginning of this description; thence South  $0^{\circ} 17' 00''$  East 155.00 feet, more or less, to said true point of beginning.

PARCEL II.

That portion of lot 5 of Tract No. 2982, in the county of Los Angeles, state of California, as per map recorded in book 35 page 31 of Maps, in the office of the county recorder of said county, described as follows:

Beginning at a point in the center line of Wilmington Street (now 223rd Street) as shown on said map, distant thereon North  $89^{\circ} 43'$  East 299.00 feet from the intersection of said center line with the center line of Main Street as shown on said map; thence at right angles North  $0^{\circ} 17' 00''$  West 25.00 feet to a point in the northerly line of said 223rd Street, said last mentioned point being the true point of beginning of this description; thence from said true point of beginning along said 223rd Street North  $89^{\circ} 43'$  East 12.50 feet; thence at right angles North  $0^{\circ} 17' 00''$  West 155.00 feet, more or less, to a line parallel with and distant southerly 150.00 feet measured at right angles from the northerly line of said lot 5; thence along said parallel line North  $89^{\circ} 43'$  East 145.99 feet, more or less, to the Westerly line of the land described in the deed to Herbert Fenton Johnston and wife recorded on December 10, 1936 as Instrument No. 257 in book 14548 page 354 of Official Records, in the office of said county recorder; thence along said westerly line North  $4^{\circ} 02' 00''$  West 150.32 feet to the northerly line of said lot 5; thence along said last mentioned northerly line South  $89^{\circ} 43' 00''$  West 148.65 feet, more or less, to a line bearing northerly at right angles from said center line of 223rd Street and which passes through the true point of beginning of this description; thence South  $0^{\circ} 17' 00''$  East 305.00 feet to said true point of beginning. c/v

**CITY OF CARSON**  
**DEVELOPMENT SERVICES**  
**PLANNING DIVISION**  
**EXHIBIT "B"**  
**CONDITIONS OF APPROVAL**  
**CONDITIONAL USE PERMIT NO. 722-09**

**GENERAL CONDITIONS**

1. If a business license permit for said use is not issued within one year of the date of approval of Conditional Use Permit No. 722-09, said permit shall be declared null and void unless an extension of time is requested prior to expiration and approved by the Planning Commission.
2. Upon activation, the Conditional Use Permit shall become automatically null and void if said use has been suspended or has ceased to exist for a period of one year, unless an extension of time is requested prior to expiration and approved by the Planning Commission.
3. The Conditional Use Permit shall become automatically null and void if the California Department of Social Services Community Care Licensing Division does not or denies issuance of a state license within one year of the date of approval, unless an extension of time is requested prior to expiration and approved by the Planning Commission.
4. The Conditional Use Permit shall become automatically null and void if the state license for a child care center is denied or revoked for a period longer than 6 months.
5. 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 any development plans prior to any Building and Safety plan check submittals. Said copies shall be included in all development plan submittals, including any revisions and the final working drawings, if applicable.
6. The applicant shall comply with all city, county, state and federal regulations applicable to this project.



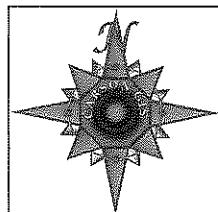


7. The applicant and property owner shall sign an Affidavit of Acceptance form and submit the document to the Planning Division within 30 days of receipt of the Planning Commission Resolution.
8. It is further made a condition of this approval that if any condition is violated or if any law, statute 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.
9. 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 Conditional Use Permit No. 722-09. 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.

BUSINESS LICENSE DEPARTMENT – CITY OF CARSON

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





## Exhibit 2