



## CITY OF CARSON

### PLANNING COMMISSION STAFF REPORT

CONSENT: June 8, 2010

SUBJECT: Design Overlay Review No. 1275-08  
Conditional Use Permit No. 714-08  
Variance No. 503-08

APPLICANT: Kenneth Adams  
RW Terrell Enterprises, Inc.  
21515 Hawthorne Boulevard, Ste. 1055  
Torrance, CA 90503

PROPERTY OWNER: Judson Baptist Church  
451 East 223<sup>rd</sup> Street  
Carson, CA 90745

REQUEST: A one-year time extension for Design Overlay Review No. 1275-08, Conditional Use Permit No. 714-08, and Variance No. 503-08 to demolish 6,465 square feet of an existing church, construct 5,946 square feet for an expansion, and construct a new 83,460-square-foot two-story parking structure.

PROPERTY INVOLVED: 451 East 223<sup>rd</sup> Street

#### COMMISSION ACTION

\_\_\_\_ Concur with staff

\_\_\_\_ Did not concur with staff

\_\_\_\_ Other

#### COMMISSIONERS' VOTE

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

***Item No. 9B***

## **I. Introduction**

The applicant Kenneth Adams, on behalf of Judson Baptist Church is requesting a one-year time extension for Design Overlay Review (DOR) No. 1275-08, Conditional Use Permit (CUP) No. 714-08, and Variance (VAR) No. 503-08 to demolish 6,465 square feet of an existing church, construct 5,946 square feet for an expansion, and construct a new 83,460-square-foot two-story parking structure. The property is located at 451 East 223<sup>rd</sup> Street and zoned RM-25-D (Residential, Multi-Family, Design Overlay).

## **II. Background**

On April 28, 2009, the Planning Commission held a public hearing to consider DOR No. 1275-08, CUP No. 714-08, VAR No. 503-08 and Ordinance No. 09-1426 and approved Planning Commission Resolution No. 09-2260. As part of the resolution, condition no. 1 states that if the approved permits are not used within one year of their effective date, said permits shall be declared null and void unless an extension of time is previously approved by the Planning Commission. The Planning Commission also recommended approval of Ordinance No. 09-1426 to City Council to allow for parking structures within the RM-25 (Residential, Multi-Family) zone for churches or other religious organizations and large multi-family developments with the approval of a conditional use permit. Approval of DOR No. 1275-08, CUP No. 714-08, and VAR No. 503-08 were contingent upon the approval of Ordinance No. 09-1426.

On June 16, 2009, the City Council approved the first reading of Ordinance No. 09-1426 and adopted the ordinance on July 7, 2009 during its second reading. The ordinance went into effect 30-days after its second reading on August 6, 2009. Therefore, DOR No. 1275-08, CUP No. 714-08, and VAR No. 503-08 were not in effect until August 6, 2009.

The applicant submitted a request for an extension of time on May 5, 2010.

## **III. Analysis**

An extension of time is requested due to the current economy and difficulty in obtaining financing for the construction portion of the project. An additional year is required to pursue other financing opportunities for the development of the project. However, funding is currently available for the applicant to move forward with the building permit phase of the project which includes the submittal of building plans to the Building and Safety Division and payment of applicable fees. If construction financing is obtained, the applicant anticipates breaking ground in 2012.



#### IV. Environmental Review

Pursuant to Title 14 of the California Code of Regulations, Chapter 3, Guidelines for Implementation of the California Environmental Quality Act (CEQA), Article 6 an Initial Study/Negative Declaration (ND) was prepared for the proposed project. The Planning Commission reviewed the ND on April 28, 2009 prior to taking action on the proposed project. The ND contained an adequate assessment of the potential environmental impacts and found that impacts were anticipated to be less than significant.

#### V. Recommendation

Staff recommends that the Planning Commission:

- **APPROVE** the extension of time for Design Overlay Review (DOR) No. 1275-08, Conditional Use Permit (CUP) No. 714-08, and Variance (VAR) No. 503-08 until August 6, 2011; and
- **ADOPT** a minute resolution extending the approval to August 6, 2011.

#### VI. Exhibits

1. Planning Commission Staff Report dated April 22, 2009.
2. Planning Commission Resolution No. 09-2260.

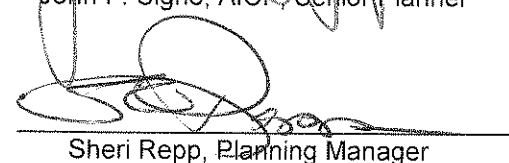
Prepared by:

  
Sharon Song, Associate Planner

Reviewed by:

  
John F. Signo, AICP, Senior Planner

Approved by:

  
Sheri Repp, Planning Manager



## CITY OF CARSON

### PLANNING COMMISSION STAFF REPORT

PUBLIC HEARING: April 28, 2009

SUBJECT: Design Overlay Review No. 1275-08; Ordinance No. 09-1426 (Text Amendment No. 159-08); Variance No. 503-08; and Conditional Use Permit No. 714-08

APPLICANT: Judson Baptist Church  
451 East 223<sup>rd</sup> Street  
Carson, CA 90745

REPRESENTATIVE: Kenneth Adams, RW Terrell Enterprises, Inc.  
21515 Hawthorne Blvd, Ste 1055  
Torrance, CA 90503

REQUEST: Demolish 6,465 square feet of an existing church, construct 5,946 square feet for an expansion, and construct a new 83,460-square-foot two-story parking structure.

PROPERTY INVOLVED: 451 East 223<sup>rd</sup> Street

#### COMMISSION ACTION

☒ Concurred with staff

☐ Did not concur with staff

☐ Other

Commissioner Verrett moved, seconded by Commissioner Cannon, to approve the request as submitted, thus adopting Resolution No. 09-2260. Motion carried.

AYE	NO		AYE	NO	
✓		Chairman Faletogo	✓		Cannon
✓		Vice-Chair Saenz	✓		Gordon
✓		Brimmer	✓		Graber
✓		Brown	✓		Verrett

**Item No. 11A**



## **I. Introduction**

The applicant, Judson Baptist Church is requesting approval of Design Overlay Review (DOR) No. 1275-08; Text Amendment (ZTA) No. 159-08; Variance (VAR) No. 503-08; and Conditional Use Permit (CUP) No. 714-08 to authorize the demolition of 6,465 square feet of an existing church building, construct 13,023 square feet as an expansion (net increase is 5,946 square feet) to the existing auditorium and educational unit and construct a new 83,460-square-foot two-story parking structure at 451 East 223<sup>rd</sup> Street, Judson Baptist Church. The net increase to the sanctuary and accessory offices and classrooms is 5,946 square feet. The project site is zoned RM-25-D (Residential, Multi-Family, Design Overlay) and has a general plan land use designation of high density. The project is also within Redevelopment Project Area 4. A text amendment is proposed to allow for the construction of a separate parking structure within the RM-25 (Residential, Multi-Family) zone with the approval of a conditional use permit. The DOR is required since the project is within the Design Overlay zone and construction costs exceed \$50,000. The applicant requests a variance from CMC Section 9126.12 in order to exceed the 30-foot height requirement and allow a 31-foot height for a portion of the parking structure and bring the existing height of the sanctuary (37 feet) and the church steeple (78 feet) into compliance.

## **II. Background**

The existing church building is located in a residential area and surrounded by single family residences and an apartment complex to the east. The church was constructed in 1960 and an expansion was approved by the city in 1969. The 1969 approved plot plan was for the construction of the main sanctuary. The existing church steeple is assumed to have been constructed at the same time as the main sanctuary; however plans showing the proposed elevations of the main sanctuary are not on record with the city. An application for VAR No. 503-08 has been submitted by the applicant to address proposed heights as well as the height of the existing church steeple and sanctuary. In addition to the existing church use, CUP No. 193-80 was approved by the Planning Commission on June 10, 1980 to establish a pre-school and elementary school program at the existing church. No change to the pre-school/elementary uses is proposed. There are no zoning code enforcement cases associated with the property.

## **III. Analysis**

The proposed church re-construction and parking structure are subject to the approval of a development plan in accordance with the Site Plan and Design Review and Conditional Use Permit procedures as provided in Section 9172.23 and Section 9172.21, respectively. The request for an over-height structure exceeding the 30-foot height limit in the RM-25 zoning district requires approval of a variance request in accordance with Section 9172.22 of the CMC. In addition, a



text amendment is proposed to allow a parking structure within the RM-25 zone with the approval of a conditional use permit per Section 9172.21.

#### Site Plan and Design Review

According to CMC Section 9172.23 – Site Plan and Design Review and Section 9172.21 – Conditional Use Permit, the Planning Commission shall approve the proposal 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, including any specific plans for the area and surrounding use.**

The proposed project is consistent with the General Plan of the city of Carson in that the subject property and the surrounding area are designated for high density residential development. The subject property is zoned RM-25-D (Residential, Multi-Family, Design Overlay) and the General Plan designation is High Density. The proposed expansion of the existing church and construction of a new parking structure is consistent with the General Plan.

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

The proposed project and existing architectural features are consistent with the surrounding residential development and meet the City's design and development standards. The property will be entirely landscaped in areas other than the building, parking structure, driveway, parking lot, walkway, and play areas. Architectural features have been incorporated to reduce visual impacts.

The expansion of the church sanctuary causes a significant increase in the occupancy and use of the property for assembly purposes. The size and massing of the church structures are unusual for a residential area. The applicant has designed the structures in a manner to minimize impacts to the adjacent residential area. Building setbacks from Grace and Swope Streets are 15 feet and 20 feet, respectively. The landscape plans will provide for large trees and other plantings in order to create an attractive appearance and buffer for the residential neighborhood. The project site is adjacent to 223<sup>rd</sup> Street, a major arterial/highway and the proposed expansion would be appropriate for its location and within a developing urban environment.

**c. Convenience and safety of circulation for pedestrians and vehicles. Adequate street access and traffic capacity.**

Adequate driveway widths, a circulation plan and a pedestrian sidewalk will ensure safety for pedestrians and motorists. A landscaped median along 223<sup>rd</sup> Street and driveways will be reconfigured to improve safety and circulation. Traffic



will be re-directed away from residential areas and all setback requirements are met in order to ensure visibility for motorists and pedestrians.

A traffic study for the proposed project was completed by Cordoba Corporation on November 18, 2008. According to the traffic study, the existing level of service (LOS) during peak AM and PM hours is "A". The proposed project is estimated to generate 477 daily trips with 124 occurring during the AM and PM peak hours on Sunday. With the addition of traffic from the proposed project and redistribution of traffic, all intersections will continue to operate at a level of service "A".

Currently, traffic to and from the site is directed onto Grace Avenue and Swope Street. The proposed project will re-direct traffic onto 223<sup>rd</sup> Street and Grace Avenue. The city anticipates that a majority of traffic will come off 223<sup>rd</sup> Street, however it is likely that traffic may flow through Grace Avenue since it connects to Carson Street (Major Highway). Per the City of Carson General Plan, Grace Avenue is identified as a collector street. Collector streets are intended to serve as an intermediate route to handle traffic between local streets and arterials. The use of Grace Avenue would be appropriate, however the majority of traffic is anticipated to be along 223<sup>rd</sup> Street.

The existing site is occupied by a 7,077-square-foot single story building and 100 parking spaces are available on-site to accommodate the church use. The proposed expansion would add 13,023 square feet and a second story to the existing church building. The proposed addition requires a minimum of 250 parking spaces per CMC Section 9162.21 - Parking Spaces Required and the proposed parking structure will provide exactly 250 spaces, meeting minimum requirements.

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

To ensure attractiveness, effectiveness and restraint for existing and proposed signage, the applicant shall obtain approval from the Planning Department for any proposed signage.

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

The subject property is located within Redevelopment Project Area 4. The proposed project meets all applicable design standards and guidelines of the Municipal Code.

**f. 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 is provided.

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



**and guidelines may be generally applicable or may specify different requirements for different areas.**

The proposed project 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 9172.23(d), "Site Plan and Design Review, Approval Authority and Findings and Decision" and Section 9172.26 (d), "Commission Findings and Decision" can be made in the affirmative.

#### Variance

Pursuant to CMC Section 9172.22 – Variance, the Planning Commission may approve a variance only when the following finding can be made in the affirmative:

- a. Because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the Chapter deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.**

The subject property has a special circumstance in that it is a church use in a multi-family zone and the parking structure must meet building and safety requirements. An increase in height is required for safety and clearance for the elevators proposed in the parking structure. The main sanctuary was constructed in 1969, therefore elevations were not on record. Since the existing height of 37 feet and steeple height of 78 feet are assumed to have been built in 1969, the existing heights are non-conforming. The variance request is also for the existing heights of the steeple and sanctuary. Approval of the variance request would allow the existing church to be in compliance with zoning requirements and legally achieve a similar height as compared with other existing churches within the city.

#### Ordinance Amendment

The proposed draft ordinance will amend Carson Municipal Code Article 9, Section 9121.1, Section 9123, and Section 9126.21 which will allow parking structures within the RM-25 zone for churches or other religious organizations and large multi-family developments with the approval of a conditional use permit. The draft ordinance will also increase the maximum allowable lot coverage of 40% to 70% for religious organizations and large multi-family developments with parking structures and subterranean parking. The increase in allowable lot coverage is substantial, however parking structures would only be permitted on lots adjacent to an arterial street/major highway. Arterial streets are meant to move large volumes of traffic and link principal elements within the city to other adjacent regions. No other changes are proposed. A copy of the draft ordinance is available as exhibit "B" to the attached draft Resolution.

#### **IV. Environmental Review**

Pursuant to Title 14 of the California Code of Regulations, Chapter 3, Guidelines for Implementation of the California Environmental Quality Act (CEQA), Article 6 (Negative Declaration Process) an Initial Study/ Negative Declaration (ND) was





prepared for the proposed project. The ND contains an adequate assessment of the potential environmental impacts and finds that impacts are less than significant. The ND dated March 20, 2009 was circulated for a 20-day public review period from March 20, 2009 to April 8, 2009 and noticing was conducted in compliance with the CEQA Guidelines. No public comments were received (Exhibit No. 2).

**V. Recommendation**

That the Planning Commission:

WAIVE further reading and ADOPT Resolution No. 09-\_\_\_\_, entitled "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON APPROVING DESIGN OVERLAY REVIEW NO. 1275-08; CONDITIONAL USE PERMIT NO. 714-08; AND VARIANCE NO. 503-08 APPROVING THE DEMOLITION OF 6,465 SQUARE FEET, AN EXPANSION OF 5,946-SQUARE-FOOT TO AN EXISTING CHURCH AND CONSTRUCTION OF A NEW 83,460-SQUARE-FOOT TWO-STORY PARKING STRUCTURE LOCATED AT 451 E. 223<sup>RD</sup> STREET AND RECOMMENDING TO CITY COUNCIL APPROVAL OF ORDINANCE NO. 09-1426 (TEXT AMENDMENT NO. 159-08)".

**VI. Exhibits**

1. Draft Resolution. (pgs. 7-21)
2. Negative Declaration, dated March 20, 2009 (Under Separate Cover)
3. Development Plans (Under Separate Cover)

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. 09-2260**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON APPROVING DESIGN OVERLAY REVIEW NO. 1275-08; CONDITIONAL USE PERMIT NO. 714-08; AND VARIANCE NO. 503-08 APPROVING THE DEMOLITION OF 6,465 SQUARE FEET, AN EXPANSION OF 5,946-SQUARE- FEET TO AN EXISTING CHURCH AND CONSTRUCTION OF A NEW 83,460-SQUARE-FOOT TWO-STORY PARKING STRUCTURE LOCATED AT 451 E. 223<sup>RD</sup> STREET AND RECOMMENDING TO CITY COUNCIL APPROVAL OF ORDINANCE NO. 09-1426 (TEXT AMENDMENT NO. 159-08)**

**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, Judson Baptist Church, with respect to real property located at 451 E. 223<sup>rd</sup> Street and described in Exhibit "A" attached hereto for Design Overlay Review No. 1275-08; Conditional Use Permit No. 714-08; Ordinance No. 09-1426 (Text Amendment No. 159-08) as described in Exhibit "B" and Variance No. 503-08 to demolish 6,465 square feet of an existing church building and build 5,946 square feet for an expansion and construct a new 83,460-square-foot two-story parking structure on a 72,027 square-foot lot in the RM-25-D (Residential, Multifamily – 25 units/acre – Design Overlay) zoning district. The Conditional Use Permit is to allow the construction of a parking structure within the RM-25 zone with the approval of Ordinance No. 09-1426. The Design Overlay Review is required since the project site is within the Design Overlay Zone and the Variance is required for the proposed and existing heights of the structures.

A public hearing was duly held on April 28, 2009, at 6:30 P.M. at City Hall, Council Chambers, 701 East Carson Street, Carson, California. A notice of time, place and purpose of the aforesaid meeting was duly given.

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

**Section 3.** Pursuant to Section 9172.23 of the Carson Municipal Code (CMC), Site Plan and Design Review, Section 9172.21 Conditional Use Permit, Section 9172.22 Variance, and Section 9172.11 Text Change the Planning Commission finds that:

- a) The General Plan Land Use designation for the subject property is High Density, with which the existing zoning of RM-25-D (Residential, Multi-family – 25 units per acre – Design Overlay) is compatible.
- b) The neighborhood consists largely of mid-20<sup>th</sup> century multi-family units and single-family homes. The proposed addition and new parking structure incorporate many of the surrounding elements and architectural features. As such, the proposed construction will be compatible with existing and anticipated development in the vicinity.
- c) There is adequate maneuvering space on the subject lot to allow for cars to safely leave the parking garage and turn around onsite to exit the property. Landscaping will not impair visibility for drivers coming to and from 223<sup>rd</sup> Street and



Grace Avenue to the subject property. All setback requirements have been met and ensure visibility for motorists and pedestrians.

d) To ensure attractiveness, effectiveness and restraint for existing and proposed signage, the applicant shall obtain approval from the Planning Department for any proposed signage.

e) The proposed addition and parking structure will have similar architectural features as existing, which are neutral, attractive, and blend in with the surrounding environment. Address numbers will be posted in a prominent location on the buildings, visible to the public, but subdued in color and appearance.

f) The site is 260 feet wide by 260 feet deep, square, relatively flat, located adjacent to major streets, and adequately served by existing utilities. The proposed use and development will not significantly impact the capacity of utility purveyors to serve the area.

g) The Los Angeles County Fire Department has reviewed the proposed plans and found there to be adequate access to the subject property. There are fire hydrants in the vicinity which have sufficient water flow to adequately suppress a structure fire on the subject property.

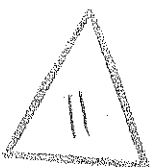
h) The subject site fronts 223<sup>rd</sup> Street which is a major highway street designed to serve the anticipated capacity. Two driveways are proposed on the east and south side of the subject property which provides ingress and egress access to the existing site.

i) The subject property has a special circumstance in that it is a church use in a multi-family zone and the parking structure must meet building and safety requirements. An increase in height is required for safety and clearance for the elevators proposed in the parking structure. Approval of the variance request would allow the existing church to be in compliance with zoning requirements and legally achieve a similar height as compared with other existing churches within the city.

j) The proposed text amendment requiring a conditional use permit for parking structures within the RM-25 zone supports and is consistent with the City of Carson General Plan.

**Section 4.** Pursuant to Title 14 of the California Code of Regulations, Chapter 3, Guidelines for Implementation of the California Environmental Quality Act (CEQA), Article 6 (Negative Declaration Process) an Initial Study/ Negative Declaration (ND) was prepared for the proposed project. The ND contains an adequate assessment of the potential environmental impacts and finds that impacts are less than significant. The ND dated March 20, 2009 was circulated for a 20-day public review period from March 20, 2009 to April 8, 2009 and noticing was conducted in compliance with the CEQA Guidelines. No public comments were received and no significant environmental impacts would result from this proposal.

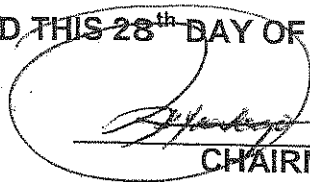
**Section 5.** Based on the aforementioned findings, the Commission hereby grants Design Overlay Review No. 1275-08; Conditional Use Permit No. 714-08 and Variance No. 503-08 with respect to the property described in Section 1 hereof, and recommends approval of Ordinance No. 09-1426 (Text Amendment No. 159-08) to the City Council subject to the conditions set forth in Exhibit "C" attached hereto, and approves the Negative Declaration."



**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 28<sup>th</sup> DAY OF APRIL, 2009.

  
CHAIRMAN

ATTEST:

  
SECRETARY

DRAFT ORDINANCE NO. 09-1426

AN ORDINANCE OF THE CITY OF CARSON,  
CALIFORNIA, TO AMEND THE CARSON MUNICIPAL  
CODE BY AMENDING ARTICLE IX (PLANNING AND  
ZONING), CHAPTER 1, PART 2, SECTION 9121.1,  
SECTION 9123, AND SECTION 9126.21 TO ALLOW  
PARKING STRUCTURES WITHIN THE RM-25 ZONE WITH  
THE APPROVAL OF A CONDITIONAL USE PERMIT

WHEREAS, on April 30, 2008 an application was submitted by Judson Baptist Church requesting a text amendment to allow the construction of an automobile parking structure within the RM-25 (Residential, Multi-Family) zone with the approval of a conditional use permit.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

**Section 1.** That the City Council, exercising their independent judgment, finds that the proposed code amendment is pursuant to Title 14 of the California Environmental Quality Act (CEQA), Article 6 (Negative Declaration Process) an Initial Study/Negative Declaration (ND) was prepared for the proposed amendment and associated project. The Negative Declaration determined that the project does not have the potential to cause a significant effect on the environment. The City Council determines that the proposed Code Amendment and associated project will result impacts that are less than significant.

**Section 2.** Article IX Chapter 1, Part 2, Section 9121.1 of the Carson Municipal Code entitled "Uses Permitted" after "Automobile parking lot" is hereby amended, as follows (additions are in *italics* and underlined):

"Section 9121.1 Uses Permitted

	ZONES		
	RA	RS	RM
Automobile Parking Lot (See CMC 9123)			C

<u>Automobile Parking Structure for a large-scale multi-family development or serving a church, temple, or other place of religious worship where the lot is adjacent to an arterial street (See CMC 9123)</u>			<u>C"</u>
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**Section 3.** Article IX Chapter 1, Part 2, Section 9123 of the Carson Municipal Code entitled "Conditional Use Criteria" after "Automobile parking lot" is hereby amended, as follows (additions are in *italics* and underlined):

"Division 3. Conditional Use Criteria

**9123 Conditional Use Criteria.**

Automobile parking lot:	<p>Pedestrian and vehicular access to such a lot shall be other than through an existing or potential residential area unless the use of the lot is restricted to serving adjacent residential uses or uses directly related to nearby residential uses.</p> <p>The parking lot shall be within four hundred (400) feet walking distance from the principal use which it serves.</p>
<u>Automobile parking structure:</u>	<u>The parking structure shall be located on the same lot as the large-scale multi-family development or church, temple, or other place of religious worship."</u>

**Section 4.** Article IX, Chapter 1, Part 2, Section 9126.21 of the Carson Municipal Code entitled "Ground Coverage" is hereby amended, as follows (amendments are in *italics* and underlined):

**"9126.21 Ground Coverage.**

In the RM Zone, the ground area included within the exterior walls and/or supporting columns of all roofed structures shall not exceed forty (40) percent of the net lot area—, except when a parking structure or subterranean parking is proposed the ground area shall not exceed seventy (70) percent of the net lot area."

**Section 5.** If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that anyone or more sections, subsections, clauses, phrases or portions be declared invalid.

**Section 6.** The City Clerk shall certify to the passage of this ordinance and cause it to be posted in three conspicuous places in the city of Carson, and it shall take effect on the thirty-first (31) day after it is approved by the Mayor.

**PASSED, APPROVED, and ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
Chairman

ATTEST:

\_\_\_\_\_  
Secretary

EXHIBIT "A"

LEGAL DESCRIPTION

Book 7335, Page 19, Parcel 18

The easterly 260 feet of lot 7, Tract No. 2982, M.B. 35-31.

Except therefrom the northerly 20 feet dedicated for street purposes.

Also except therefrom the southerly 17 feet dedicated for street purposes.





**CITY OF CARSON**  
**ECONOMIC DEVELOPMENT**  
**PLANNING DIVISION**  
**EXHIBIT "C"**  
**CONDITIONS OF APPROVAL**  
**DESIGN OVERLAY REVIEW NO. 1275-08**  
**CONDITIONAL USE PERMIT NO. 714-08**  
**VARIANCE NO. 503-08**

**GENERAL CONDITIONS**

1. If Design Overlay Review No. 1275-08; Conditional Use Permit No. 714-08; and Variance No. 503-08, are not used within one year of their effective date, said permits shall be declared null and void unless an extension of time is previously approved by the Planning Commission.
2. The approved Resolution, including the Conditions of Approval contained herein, and signed Affidavit of Acceptance, shall be copied in their entirety and placed directly onto a separate plan sheet behind the cover sheet of the development plans prior to Building and Safety plan check submittal. Said copies shall be included in all development plan submittals, including any revisions and the final working drawings.
3. The permits contained herein are contingent upon the approval and effectiveness of Ordinance No. 09-1426. In the event that Ordinance No. 09-1416 is not approved by the city of Carson City Council, the permits contained herein shall be null and void.
4. The applicant shall comply with all city, county, state and federal regulations applicable to this project.
5. The applicant shall make any necessary site plan and design revisions to the site plan and elevations approved by the Planning Commission in order to comply with all the conditions of approval and applicable Zoning Ordinance provisions. Substantial revisions will require review and approval by the Planning Commission. Any revisions shall be approved by the Planning Division prior to Building and Safety plan check submittal.
6. 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.
7. It is further made a condition of this approval that if any condition is violated or if any law, statute or ordinance is violated, the permits shall be determined to be



automatically revoked, provided the applicant has been given written notice to cease such violation and has failed to do so for a period of thirty days.

8. All buildings, grounds, parking areas and landscaping shall be maintained in a neat and orderly manner at all times.
9. 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.
10. 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.
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. The Applicant shall defend, indemnify and hold harmless the City of Carson, its agents, officers, or employees from any claims, damages, action, or proceeding against the City or its agents, officers, or employees to attack, set aside, void or annul, and approval of the City, its advisory agencies, appeal boards, or legislative body concerning Design Overlay Review No. 1275-08 and Conditional Use Permit No. 714-08. The City will promptly notify the Applicant of any such claim, action, or proceeding against the City and the Applicant will either undertake defense of the matter and pay the City's associated legal costs or will advance funds to pay for defense of the matter by the City Attorney. The City will cooperate fully in the defense. Notwithstanding the foregoing, the City retains the right to settle or abandon the matter without the Applicant's consent but should it do so, the City shall waive the indemnification herein, except, the City's decision to settle or abandon a matter following an adverse judgment or failure to appeal, shall not cause a waiver of the indemnification rights herein.
13. All construction shall be limited to Monday thru Saturday from 7 a.m. to 7 p.m. Construction activities shall be prohibited outside these hours, except during emergency situations.
14. Grace Avenue, Swope Street, and 223<sup>rd</sup> Street must be kept clear at all times for emergency traffic during construction.
15. A recorded video system with 24-hour monitoring of the site is recommended.

#### PARKING

16. The required parking shall meet all applicable standards as outlined in Part 6, Division 2 of the Carson Zoning Ordinance.
17. All parking areas and driveways shall remain clear. No encroachment into parking areas and/or driveways shall be permitted.



18. All areas used for the movement of parking, loading, repair or storage of vehicles shall be paved with either:
  - a. Concrete or asphaltic concrete to a minimum thickness of three and on-half inches over four inches of crushed aggregate base; or
  - b. Other surfacing material which, in the opinion of the Director of Engineering Services, provides equivalent life, service and appearance.

#### LANDSCAPING/IRRIGATION

19. All landscaped areas shall be maintained in good condition at all times.
20. All landscaped shall be on the subject property and outside of any future dedications or right-of-ways.
21. Prior to any landscaping the applicant shall submit a landscape plan and apply for a landscaping permit with the Planning Division. Landscaping along Swope Street and Grace Avenue must be to the satisfaction of the Planning Division.

#### UTILITIES

22. 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.
23. All roof mounted equipment shall be screened from public view or incorporated into the design of the structure or building.

#### AESTHETICS

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

#### LIGHTING

26. All exterior lighting shall be provided in compliance with the standards as provided for in Section 9137.1 (commercial zones) or Section 9147.1 (industrial zones) of the Zoning Ordinance.
27. Adequate lighting that is to the satisfaction of the Planning Division must be installed on the parking structure.
28. Low level exterior lights shall be installed throughout the site along all walkways. Such lights are to be directed on-site in such a manner as to not create a nuisance or hazard to adjacent street and properties, subject to the approval of the Planning Division. A photometric study may be required and approved by the Planning Division prior to the issuance of building permits.



## BUILDING AND SAFETY

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

## FIRE DEPARTMENT - COUNTY OF LOS ANGELES

30. The required fire flow for public fire hydrants at this location is 3500 gallons per minute and a duration of 3 hours. The water mains in the street fronting this property must be capable of delivering this flow.
31. A minimum of 28 feet clear to the sky for fire department access to within 150 feet of all portions of the exterior walls must be provided.
32. All public hydrants within 300 feet of the property line shall be identified prior to plan check submittal.
33. Meet all County of Los Angeles Fire Department Requirements prior to the issuance of building permits.

## ENGINEERING SERVICES DEPARTMENT - CITY OF CARSON

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

34. The Developer shall submit a copy of approved Grading plans on bond paper to the City of Carson – Engineering Division, prior to issuance of grading permits.
35. The Developer shall submit a copy of approved plans on mylars (such as, Sewer, Street and/or Storm Drain Improvements, whichever applies), to the City of Carson – Engineering Division, prior to issuance of construction permits.
36. On-site flatwork (e.g. base, paving, curb and gutters) are subject to inspection by Public Works Inspectors. Permit shall be obtained from City of Carson Engineering Services.
37. 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.
38. A construction permit is required for any work to be done in the public right-of-way.

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



39. Drainage/Grading plan shall be submitted for approval of the Building and Safety Division. The Developer shall submit a copy of approved Drainage/Grading plans on bond paper to the City of Carson – Engineering Division.
40. The Developer shall comply with the applicable SUSMP requirements and shall include Best Management Practices necessary to control storm water pollution from construction activities and facility operations prior to issuance of Building Permit.
41. Soils report, sewer area study, drainage concept, hydrology study and stormwater quality plan shall be reviewed and approved. Building Permit issuance will not be granted until the required soils, sewer, drainage concept, hydrology study and stormwater information have been received and found satisfactory.
  - a) Comply with mitigation measures recommended in the approved soils, sewer area study, drainage concept, hydrology study and stormwater quality plan.
42. 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.
43. Quitclaim or relocate any easements interfering with building locations to the satisfaction of the City, appropriate agency or entity.
44. Additional Right-of-Way is required beyond the existing right-of-way line. Dedicate 5-ft of additional right-of-way adjacent to the development along Grace Street. New Right-of-Way line shall be 30-ft from existing centerline. Developer shall prepare legal description for required dedication, for review and approval of the City Engineer and Recordation with County Records Office. All documents shall be approved and ready for recordation prior to issuance of Building Permits.
45. 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 (if any) along streets adjacent to the proposed development
  - b) Sewer Main Improvements (if any) along streets adjacent to the proposed development as determined by the aforementioned sewer area study.
  - c) Storm Drain Improvements (if any) along streets adjacent to the proposed development as determined by the aforementioned requirement.
46. Construction bond is required for all work to be done within the public right of way and shall be submitted and approved by Engineering Services and shall be submitted prior to issuance of Building Permits.
47. Proof of Worker's Compensation and Liability Insurance.
- Prior to issuance of Certificate of Occupancy, the proposed development is subject to the following:
48. 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.
49. Repair any broken or raised sidewalk, curb and gutter adjacent to the proposed development per City of Carson Standard and to the satisfaction of the City Engineer.
50. The Developer shall fill in any missing sidewalk, remove and replace any broken/damaged driveway approach in the public right of way adjacent to the proposed development per City of Carson Standard and to the satisfaction of the City Engineer.
51. Plant approved parkway trees on locations where trees are missing per City of Carson Standard Nos. 117, 132, 133 and 134.
52. Plant parkway grass adjacent to the proposed development to the satisfaction of the City Engineer.
53. Install irrigation system for the purpose of maintaining the parkway trees to be planted adjacent to the proposed development.
54. Remove unused driveway approach adjacent to the proposed development if any, and replace it with full height curb and gutter and sidewalk per City of Carson Standard and to the satisfaction of the City Engineer.



55. The Developer shall 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.
56. The developer shall construct new driveway approaches per City of Carson Standard and in compliance with the ADA requirements. The Developer shall protect or relocate any facilities to accommodate the proposed driveway approach. The maximum driveway approach width allowed for the site is 30 feet.
57. Modify existing wheelchair ramp, adjacent to the proposed development, at the corner of 223rd Street and Grace Avenue and at the corner of Grace Avenue and Swope Street per City of Carson Standard, in compliance with ADA requirements.
58. Install streetlights on concrete poles with underground wiring along 223rd Street, Grace Avenue and Swope Street, adjacent to the proposed development, to the satisfaction of the L.A. County Street Lighting Division, Department of Public Works.
59. All existing overhead utility lines less than 50 kilovolts adjacent to the proposed development shall be undergrounded to the satisfaction of the City Engineer.
60. All new utility lines, servicing the proposed development shall be underground to the satisfaction of the City Engineer.
61. Comply with any additional requirements, if any, as means of mitigating any traffic impacts as identified in the traffic study approved by the City Traffic Engineer.
62. Install striping and pavement legend per City of Carson standard.
63. Paint Curbs Red along 223rd Street, Grace Avenue and Swope Street adjacent to this proposed development. Plans showing the proposed red curbs shall be submitted to the Traffic Engineer for review and approval.
64. 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.
  - a) Comply with mitigation measures recommended by the water purveyor.
65. The Developer shall construct and guarantee the construction of all required drainage infrastructures in accordance with the requirements and recommendations of the hydrology study, subject to the approval of the City Engineer.
66. Streets adjacent to the development, with new utility trench cuts to serve the development, shall be slurry sealed from curb-to-curb or as approved by the City



Engineer. Slurry Seal materials shall be rubberized emulsion aggregate slurry (REAS)

67. The Developer shall comply with all requirements from L.A. County Sewer Maintenance Division for maintenance of new and/or existing sewer main, relating to this development, prior to release of all improvement bonds.
68. At the time of issuance of Certificate of Occupancy, and improvement plan approval, the developer's engineer shall submit the approved off-site improvement plans electronically stored a CD in AutoCAD format to the Engineering Services Division.
69. All infrastructures necessary to serve the proposed development (water, sewer, storm drain, and street improvements) shall be in operation prior to the issuance of Certificate of Occupancy.

#### BUSINESS LICENSE DEPARTMENT - CITY OF CARSON

70. 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.

