



CITY OF CARSON

PLANNING COMMISSION STAFF REPORT

NEW BUSINESS CONSENT: December 14, 2010
SUBJECT: Extension of Time for CUP No. 722-09
APPLICANT/OWNER: George Lopez, Carson Hope Chapel Church
129 East 223rd Street
Carson, CA 90745
REQUEST: An extension of time of one year for CUP No. 722-09 for child day care services
PROPERTY INVOLVED: 129 East 223rd Street

COMMISSION ACTION

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

COMMISSIONERS' VOTE

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

I. Introduction

The applicant and property owner Pastor George Lopez (Hope Chapel Foursquare) is requesting a one-year extension of time for Conditional Use Permit (CUP) No. 722-09, pursuant to Resolution No. 09-2273 for a child day care facility. The property is located at 129 East 223rd Street Carson, CA 90745 and within the RM-25-D (Residential, Multi-family, Design Overlay) zoning district.

II. Background

On January 12, 2010, the Planning Commission approved CUP No. 722-09 and adopted Resolution No. 10-2282 for a child day care facility at the existing church. The applicant has one year to obtain a business license or the CUP becomes null and void, unless an extension of time is requested prior to expiration and approved by the Planning Commission. The applicant submitted a request for a time extension on November 16, 2010, prior to the permit expiring.

III. Analysis

The applicant is requesting an extension of time because the business license has not been issued and he does not foresee obtaining it prior to the expiration of the approval. Due to financial hardships and constraints, the applicant has been unable to move forward at acquiring a license from the State of California for a day care facility. Staff recommends that the Planning Commission grant a time extension for one year.

IV. Recommendation

That the Planning Commission:

- **APPROVE** the time extension for CUP No. 722-09 until January 12, 2012; and
- **ADOPT** a minute resolution extending the approval to January 12, 2012.

V. Exhibits

1. Planning Commission Resolution No. 10-2282 adopted on January 12, 2010
2. Email from the Applicant Requesting Extension of Time, dated November 16, 2010

Prepared by: _____

Sharon Seng, Associate Planner

Reviewed by: _____

John F. Signo, AICP, Senior Planner

Approved by: _____

Sheri Repp-Loadsmen, Planning Officer



CITY OF CARSON
PLANNING COMMISSION
RESOLUTION NO. 10-2282

**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 223RD 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 Hope Chapel 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.

EXHIBIT NO. 1



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 12th DAY OF JANUARY, 2010.


CHAIRMAN

ATTEST:


SECRETARY

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.

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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 denies issuance of a state license within one year of the date of approval of the CUP, unless an extension of time for the CUP 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.



Sharon Song

From: George Lopez [george@pactv.com]
Sent: Tuesday, November 16, 2010 10:58 AM
To: Sharon Song
Subject: Extension of permit

Good morning Ms. Song,

This email is to request an extension of our current conditional use permit for another year due to financial constraints to our church. Due to the poor economy our tithes have been down considerably and we find ourselves unable to move forward at the schedule we were at in acquiring our license to open a Daycare facility. We are currently in the process of fundraising in anticipation of being able to pull our permit early next year. Please let me know if you need anything further from me at this time.

Thank you for all your help,

Pastor George Lopez
Carson Hope Community Church

EXHIBIT NO. 2 -