



CITY OF CARSON

PLANNING COMMISSION STAFF REPORT

NEW BUSINESS CONSENT: February 8, 2011

SUBJECT: Design Overlay Review No. 1337-09
Variance No. 506-09

APPLICANT: 3 Men's Suits \$129.99
Attn: David Dupetit
20775 S. Avalon Boulevard
Carson, CA 90746

REQUEST: Adopt a resolution revoking Design Overlay Review No. 1337-09 for a freeway-oriented sign located at the Avalon Plaza shopping center

PROPERTY INVOLVED: 20761-20775 S. Avalon Boulevard

COMMISSION ACTION

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

COMMISSIONERS' VOTE

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

I. Introduction

Property Owner

- 405 Avalon LLC
Attn: Scott Hook
2025 W. Balboa Boulevard
Newport Beach, CA 92663

Project Applicant/Tenant

- 3 Men's Suits \$129.99
Attn: David Dupetit
20775 S. Avalon Boulevard
Carson, CA 90746

Discussion

On January 11 and January 25, 2011, the Planning Commission opened the public hearing, took public testimony, and considered this item to revoke Design Overlay Review (DOR) No. 1337-09 and Variance (VAR) No. 506-09. At the January 25, 2011, the Planning Commission voted, 6-2, to revoke DOR No. 1337-09 for the installation of freeway-oriented channel letters, but upheld VAR No. 506-09 allowing the shopping center to exceed the total allowable square footage. The Planning Commission instructed staff to bring back a resolution reflecting its decision.

II. Background

The subject property is approximately one acre in size and located in central Carson northeast of the 405 Freeway. The Avalon Plaza shopping center is a single-story, 15,940-square-foot building built in 1980 and currently has 10 tenants.

On November 10, 2009, the Planning Commission approved DOR No. 1337-09 and VAR No. 506-09 for a three-foot-high by 30-foot-wide freeway-oriented sign and to exceed the total allowable sign area for the shopping center, respectively. On April 19, 2010, the applicant was issued a building permit to start installation of the freeway-oriented sign, which was completed shortly afterwards. During the pursuing months, staff notified the applicant of the obligation to meet the conditions of approval requiring removal of one business sign in the front of the building, providing for consistent signage that displayed the new business name, "3 Men's Suits \$129.99," continuing to remove all banners and excess window signs throughout the shopping center, and providing architectural enhancements, landscaping, and irrigation along the back wall of the tenant space. After being nonresponsive, staff notified the applicant of possible revocation of the permits and scheduled the item for a public hearing.

On January 11 and January 25, 2011, the Planning Commission considered the item at a public hearing. The applicant testified that he was no longer interested in displaying the channel letter sign and that the sign had been removed and reinstalled at another location outside of the city. He expressed an interest in displaying an over



sized banner in order to gain greater visibility from the freeway. At the conclusion of said public hearing, the Planning Commission revoked DOR No. 1337-09 for the installation of freeway-oriented channel letters, but upheld VAR No. 506-09 allowing the shopping center to exceed the total allowable square footage. The DOR was revoked because the applicant had no intention of continuing the display of the channel letters or improving the building with architectural enhancements and landscaping as required in the conditions of approval. Staff recommended that the Planning Commission uphold the variance to allow the applicant and other tenants to pursue other signage opportunities at the shopping center. Failure to uphold the variance would restrict all tenants from applying for banner permits and would restrict window displays to a minimal allocation.

It is noted that this subject property has routinely exceeded the maximum sign area allowed by Carson Municipal Code Section 9136.7. The variance will allow sufficient additional allocation that will allow the city and property owner to enforce a reasonable sign program that allows all tenants to have adequate business identification. The question of long term banner display raised by the applicant will be discussed at a future workshop with the Planning Commission tentatively scheduled for February 22, 2011.

The Planning Commission instructed staff to bring back a resolution reflecting its decision.

III. Recommendation

That the Planning Commission:

- **ADOPT** Resolution No. 11-2363 entitled, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON REVOKING APPROVAL OF DESIGN OVERLAY REVIEW NO. 1337-09 FOR A FREEWAY-ORIENTED WALL SIGN, BUT UPHOLDING VARIANCE NO. 506-09 TO EXCEED THE TOTAL ALLOWABLE SIGN AREA FOR A SHOPPING CENTER LOCATED AT 20761-20775 S. AVALON BOULEVARD."

IV. Exhibits

1. Resolution No. 11-2363

Prepared by:


John F. Signo, AICP, Senior Planner

Reviewed and Approved by:


Sheri Repp Loadsman, Planning Officer

Planning Commission Staff Report
Design Overlay Review No. 1337-09
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CITY OF CARSON
PLANNING COMMISSION
RESOLUTION NO. 11-2363

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON REVOKING APPROVAL OF DESIGN OVERLAY REVIEW NO. 1337-09 FOR A FREEWAY-ORIENTED WALL SIGN, BUT UPHOLDING VARIANCE NO. 506-09 TO EXCEED THE TOTAL ALLOWABLE SIGN AREA FOR A SHOPPING CENTER LOCATED AT 20761-20775 S. AVALON BOULEVARD

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, David Dupetit, on behalf of 3 Men's Suits \$129.99 (SW Suits Inc.), with respect to real property located at 20761-20775 S. Avalon Boulevard and described in Exhibit "A" attached hereto, for Design Overlay Review No. 1337-09 and Variance No. 506-09 to install a freeway-oriented business sign on the back wall of the building of an existing commercial center in the CR-D (Commercial, Regional – Design Overlay) zoning district. The variance request is for exceeding the total allowable sign area for the shopping center.

The Planning Commission held a duly noticed public hearing on October 27, 2009 and November 10, 2009, at 6:30 P.M. at City Hall, Council Chambers, 701 East Carson Street, Carson, California. At the conclusion of the public hearing, the Planning Commission adopted Resolution No. 09-2274 approving DOR No. 1337-09 and VAR No. 506-09.

On January 11 and January 25, 2011, the Planning Commission held a duly noticed public hearing at 6:30 P.M. at the Juanita Millendar McDonald Community Center, Adult Activity Room, 801 East Carson Street and at Carson City Hall, Council Chambers, 701 East Carson Street, Carson, California, respectively, to consider revocation of DOR No. 1337-09 and VAR No. 506-09. A notice of time, place and purpose of the aforesaid meeting was duly given.

At the conclusion of the January 25, 2011 public hearing, the Planning Commission voted to revoke DOR No. 1337-09 for installation of a freeway-oriented wall sign, but uphold VAR No. 506-09 allowing signage at the shopping center to exceed the total allowable sign area as described in Section 9136.7 of the Carson Municipal Code (CMC).

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 9172.28 of the CMC, the Planning Commission shall conduct a hearing with proper noticing for a revocation. After the hearing, the Planning Commission may, by resolution, revoke the permits if any of the following are found:

1. Approval was obtained by fraud, deceit or misrepresentation.
2. The property is or has in the recent past been used or developed in violation of the conditions of approval or of other laws or regulations.
3. The property is or has in the recent past been used or developed in a manner materially detrimental to the public health, safety or welfare, or constitutes a public nuisance.

The Planning Commission finds that the applicant has been given ample time, but has been unwilling to meet the requirements in the conditions of approval. The applicant has had the



privilege of displaying a freeway-oriented channel letter sign promoting the business for approximately nine months, but has not complied with the obligation to provide architectural embellishments and landscaping along the back of the building. Furthermore, the applicant has reverted to displaying illegal banners along the back wall in lieu of the permanent channel letter sign.

Condition No. 6 of Resolution No. 09-2274 states:

“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.”

The applicant was made aware of the required conditions of approval on December 7, 2009, and the applicant and property owner signed the Agreement Accepting Conditions indicating they would abide by all requirements. On July 1, 2010, staff sent a letter to the applicant indicating it is imperative that the outstanding issues be resolved and the conditions be met. The applicant has been given ample time to provide architectural embellishments and landscaping and meet all other requirements in the conditions of approval. However, subsequent communications with the applicant reveal an unwillingness to comply with the conditions of approval and a desire to display illegal banners along the back wall in lieu of the permanent channel letters, contrary to the conditions of approval and the requirements of Section 9136.7 of the CMC.

Section 4. Pursuant to Section 15321(a) of the California Environmental Quality Act (CEQA) Guidelines, the enforcement action by a regulatory agency to revoke entitlements is categorically exempt.

Section 5. Based on the aforementioned findings, the Commission hereby revokes approval of DOR No. 1337-09, but upholds VAR No. 506-09 with respect to the property described in Section 1 hereof. Resolution No. 09-2274 shall remain in effect, except for those findings and conditions specific to DOR No. 1337-09 for the freeway-oriented wall sign. VAR No. 506-09 shall be subject to the conditions set forth in Exhibit "B" attached hereto, as adapted from Resolution No. 09-2274.

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 8TH DAY OF FEBRUARY, 2011.

CHAIRMAN

ATTEST:

SECRETARY

LEGAL DESCRIPTION

PARCEL 1:

PARCEL 1 OF PARCEL MAP NO. 5453, IN THE CITY OF CARSON, AS PER MAP FILED IN BOOK 60 PAGE 63 OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPT 100 PERCENT OF THE OIL, GAS, PETROLEUM AND OTHER HYDROCARBON SUBSTANCES WHICH LIE BELOW A PLANE PARALLEL TO AND 500 FEET BELOW THE NATURAL SURFACE OF SAID LAND, WITHOUT, HOWEVER, ANY RIGHT TO ENTER UPON THE SURFACE OF SAID LAND TO EXPLORE FOR, DEVELOP. OR REMOVE SAID SUBSTANCES, BUT WITH FULL RIGHT TO EXPLORE FOR, DEVELOP AND REMOVE THE SAME BY MEANS OF WELLS OR EQUIPMENT, HAVING SURFACE LOCATIONS OUTSIDE THE OUTER BOUNDARIES OF SAID REAL PROPERTY, AS EXCEPTED IN THE DEED FROM DEL AMO ESTATE COMPANY, A CORPORATION, RECORDED NOVEMBER 8, 1963 IN BOOK D2250 PAGE 752, OFFICIAL RECORDS.

ALSO EXCEPT THEREFROM ALL OIL, GAS, PETROLEUM AND OTHER HYDROCARBONS AND MINERALS, BUT WITHOUT RIGHT OF ENTRY TO THE SURFACE OF SAID LAND, AS RESERVED BY LOS ANGELES FLOOD CONTROL DISTRICT, IN DEED RECORDED JULY 13, 1973 AS INSTRUMENT NO. 4359, OF OFFICIAL RECORDS.

PARCEL 2:

A NON-EXCLUSIVE INGRESS AND EGRESS EASEMENT OVER AND ACROSS THAT PORTION OF PARCEL 2, PARCEL MAP NO. 2538, IN THE CITY OF CARSON, AS PER MAP FILED IN BOOK 38 PAGE 5 OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

BEGINNING AT THE SOUTHEASTERLY CORNER OF SAID PARCEL 2; THENCE RADIALLY ALONG THE SOUTHEASTERLY LINE OF SAID PARCEL 2, SOUTH 83° 04' 33" WEST 50.00 FEET; THENCE NORTH 56° 24' 52" EAST 55.71 FEET TO A POINT IN THE SOUTHEASTERLY LINE OF AVALON BOULEVARD, A RADIAL LINE TO SAID POINT BEARS NORTH 82° 05' 17" EAST; THENCE SOUTHEASTERLY ALONG SAID SOUTHWESTERLY LINE OF AVALON BOULEVARD, HAVING A RADIUS OF 1,450.00 FEET, AN ARC DISTANCE OF 25.00 FEET THROUGH A CENTRAL ANGLE 0° 59' 16" TO THE POINT OF BEGINNING.

ASSESSOR'S PARCEL NO: 7339-018-001

END OF LEGAL DESCRIPTION



CITY OF CARSON
ECONOMIC DEVELOPMENT
PLANNING DIVISION
EXHIBIT "B"

CONDITIONS OF APPROVAL

~~**DESIGN OVERLAY REVIEW NO. 1337-09¹**~~

VARIANCE NO. 506-09

GENERAL CONDITIONS

1. If ~~Design Overlay Review No. 1337-09~~ and Variance No. 506-09, 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 applicant shall comply with all city, county, state and federal regulations applicable to this project.
4. 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.
5. 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.
6. 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.
7. All buildings, grounds, parking areas and landscaping shall be maintained in a neat and orderly manner at all times.

¹ On February 8, 2011, the Planning Commission adopted Resolution No. 11-2363 revoking DOR No. 1337-09, but upholding VAR No. 506-09. The conditions contained herein are adapted from the conditions in Resolution No. 09-2274 and shall supercede. All references or conditions relating to DOR No. 1337-09 have been stricken.



8. 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.
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. 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.
11. 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. 1337-09~~ and Variance No. 506-09. 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.

PARKING

12. The required parking shall meet all applicable standards as outlined in Part 6, Division 2 of the Carson Zoning Ordinance.
13. All parking areas and driveways shall remain clear. No encroachment into parking areas and/or driveways shall be permitted.
14. 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

15. All landscaped areas shall be maintained in good condition at all times.
16. All landscaped shall be on the subject property and outside of any future dedications or right-of-ways.



UTILITIES

17. 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.
18. All roof mounted equipment shall be screened from public view or incorporated into the design of the structure or building.

AESTHETICS

19. The specification of all colors and materials must be submitted and approved by the Planning Division prior to the issuance of any building permits.
20. The subject property shall be maintained at all times to present an attractive appearance to the satisfaction of the Planning Division.
21. ~~The architectural enhancements shall be modified so that the pillars extend from the ground to the top of the building. A crown molding shall be installed at the top of the building. Landscaping shall be provided at the base of the building. Prior to Building plan check submittal, the applicant shall submit an improvement plan that shows all the issues described in this condition. Review and approval shall be made by the Planning Division prior to issuance of a building permit.~~

SIGNS

22. A sign program shall be submitted by the property owner that regulates the size, shape, location, colors, materials, and other details of all signs at the shopping center. The sign program shall be submitted within 60 days of approval of Design Overlay Review No. 1337-09 and Variance No. 506-09.
23. ~~The applicant shall submit a sign plan that shows the size, colors, material, etc. of the proposed sign on the back wall of the building. The signs shall be made of channel letters and shall be reviewed and approved by the Planning Division prior to Building plan check submittal.~~
24. The freeway-oriented sign on the back wall of the building shall only display the major tenant business name at the shopping center and/or the shopping center name.
25. Raceway shall not be permitted. All channel letters must be flush against the building wall. Electrical conduit shall be properly concealed.
26. One business sign in the front of the building shall be removed prior to finalizing a building permit for the freeway-oriented rear wall sign, to the satisfaction of the Planning Division.
27. Prior to obtaining a building permit, the business record on file at the Revenue Division at the City of Carson shall be updated to show the proper business name. The new sign shall only show the business name and all existing business signs shall be identical (business name only).



28. In the event the business name changes, a new building permit shall be issued prior to installation of new lettering or sign face subject to review and approval by the Planning Division.
29. All illegal banners and window signs shall be removed prior to issuance of a building permit, subject to the satisfaction of the Planning Division and Code Enforcement Division.

LIGHTING

30. All exterior lighting shall be provided in compliance with the standards as provided for in Section 9137.1 (Commercial Zones) of the Zoning Ordinance.
31. Low level exterior lights shall be installed and 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

32. 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.

BUSINESS LICENSE DEPARTMENT - CITY OF CARSON

33. 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.

GRAFFITI

34. 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.).

