



CITY OF CARSON

PLANNING COMMISSION STAFF REPORT

NEW BUSINESS CONSENT: April 12, 2011

SUBJECT: Modification No. 2 to Design Overlay Review No. 733-00

APPLICANT: Paul Collins, Architect
On behalf of Schifino Properties, Inc.
137 West 168th Street
Gardena, CA 90248

REQUEST: Modifications to conditions of approval of Planning Commission Resolution No. 10-2358 approving Modification No. 1 to Design Overlay Review No. 733-00

PROPERTY INVOLVED: 16619 and 16629 S. Main 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			

Item No. 9C

I. Introduction

The applicant is requesting a modification of conditions for Modification No. 1 to Design Overlay Review (DOR) No. 733-00 to remove certain requirements for off-site improvements the applicant deems are cost-prohibitive and would result in an inability to move forward with the approved project.

II. Background

The Planning Commission adopted Resolution No. 01-1839 (Exhibit Nos. 2 and 3) on January 30, 2001 recommending approval of Design Overlay Review No. 733-00 to the Redevelopment Agency for the development of a 14,755-square-foot open metal storage shed, refurbishment of an existing metal perimeter wall, and approval of an existing 712-square-foot building used for storage and restrooms. The Redevelopment Agency adopted Resolution No. 01-08 by unanimous consent on February 20, 2001 approving Design Overlay Review No. 733-00. Condition of Approval No. 3 contained in Exhibit "B" of the resolution states that "substantial revisions [to the approved site plan] will require review and approval by the Planning Commission."

On December 14, 2010, the Planning Commission approved Modification No. 1 to Design Overlay Review (DOR) No. 733-00, subject to the conditions in Exhibit "B" of Resolution No. 10-2358 (Exhibit No. 1) to approve a new 11,784-square-foot open metal storage shed to be located adjacent to an existing open metal storage shed at 16619-16629 S. Main Street.

In the weeks following the Planning Commission meeting approving the project, the applicant conducted a cost analysis of the off-site improvement requirements to underground existing overhead utility lines, provide street trees, install street lights, run new utility lines, and costs associated with submittal of grading/drainage plans and a sewer area study. In subsequent discussions with staff, the applicant contended that these conditions were burdensome, excessive, unnecessary, and would effectively shut down the project. These conditions are all found in Exhibit "B" of Resolution No. 10-2358 under the Section titled, "Engineering Services Department – City of Carson" and are included in the 'Analysis' discussion below. These conditions are typical of most new development in the city and are within the scope of requirements as outlined in the General Development Standards of the Carson Municipal Code (Exhibit No. 2).

The applicant submitted a request to modify the conditions of approval and has had discussions with staff regarding the same. The approved development plan to add a new crane bay adjacent to the existing crane bay is a modification to the originally approved plans approved by DOR No. 733-00. Therefore, the modification to conditions of approval is referred to as Modification No. 2.

III. Analysis

The applicant requests deletion of the following conditions of approval:



Condition No. 66: "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."

Condition No. 68: "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, and the applicant must:

- a. Comply with mitigation measures recommended in the approved soils, sewer area study, drainage concept, hydrology study and stormwater quality plan."

Condition No. 69: "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."

Condition No. 77: "Plant approved parkway trees on locations where trees are missing per City of Carson Standard Nos. 117, 132, 133 and 134."

Condition No. 80: "Install streetlights on concrete poles with underground wiring along 168th Street to the satisfaction of the L.A. County Street Lighting Division, Department of Public Works."

Condition No. 81: "All existing overhead electrical lines less than 16 kilovolts along 168th Street abutting the proposed development shall be undergrounded to the satisfaction of the City Engineer."

Condition No. 82: "All new utility lines, servicing the proposed development abutting the proposed development shall be underground to the satisfaction of the City Engineer."

Condition No. 83: "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."

In light of the applicant's concerns, Planning staff requested that the Engineering Division revisit the applicability of the conditions noted above. Their response is included as Exhibit No. 3. The applicant states that the conditions are not required for various reasons, including the project's lack of services and/or activities requiring studies (i.e. water, grading, sewer), and the absence of new utility service lines to the proposed crane bay. Also, the applicant notes that the proposed landscaping plan along 168th Street includes many trees which he states meets the intent of the



requirement, and therefore the condition should be removed. Lastly, the applicant contends that requiring the undergrounding of overhead utility lines would simply make the project prohibitively expensive.

The Engineering Division recommends that the grading plan condition remain and that the applicant verify with Los Angeles County Building and Safety Division if a grading plan is necessary for the proposed project. If a grading plan is required then the condition is applicable, if not then it will be waived. Engineering is willing to remove the conditions relating to a sewer area study, a written statement from the water purveyor, new utility service, and the installation of street lights, but is unwilling to remove the street tree and undergrounding of overhead utilities conditions. Thus, Engineering suggests the following modified conditions as an alternative (added language in *italics*, deleted language in ~~strikethrough~~):

Condition No. 66: "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. *If a drainage/grading plan is determined by the Building and Safety Division not to be required, then this condition shall not apply.*"

Condition No. 68: "Soils report, ~~sewer area study~~, drainage concept *and hydrology study if required*, ~~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, and the applicant must:

- b. Comply with mitigation measures recommended in the approved soils, sewer area study, drainage concept, hydrology study and stormwater quality plan."

Condition No. 69: "~~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.~~"

Condition No. 77 76: "~~Plant~~ Approved parkway trees *shall be planted in tree wells*, on locations where trees are missing, *if there is adequate space to do so along the Main Street frontage. Such trees shall be planted per City of Carson Standard Nos. 117, 132, 133 and 134.*"

Condition No. 80 79: "~~Install streetlights on concrete poles with underground wiring along 168th Street to the satisfaction of the L.A. County Street Lighting Division, Department of Public Works. The subject property shall be annexed into the Los Angeles County Street Lighting Maintenance District. The applicant shall verify requirements for doing so with the Los Angeles County Department of Public Works – Traffic and Lighting Division.~~"



~~Condition No. 81 80: "All existing overhead electrical lines less than 16 kilovolts along 168th Street abutting the proposed development shall be undergrounded to the satisfaction of the City Engineer. Existing overhead utility lines less than 12 kilovolts along Main Street shall be underground to the satisfaction of the City Engineer. No undergrounding is required along 168th Street. The City will consider and accept an in-lieu fee in an amount determined by the City Engineer to be sufficient to cover the costs of such undergrounding. Undergrounding estimate shall be prepared by Southern California Edison and shall be submitted to the City Engineer for determination of applicability."~~

~~Condition No. 82: "All new utility lines, servicing the proposed development abutting the proposed development underground to the satisfaction of the City Engineer."~~

~~Condition No. 83: "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."~~

~~b. Comply with mitigation measures recommended by the water purveyor."~~

The applicant's primary concern is the costs associated with undergrounding the overhead utility lines, whether on 168th Street or Main Street. Although Engineering's modified requirement to underground along Main Street instead of 168th Street will reduce the costs significantly due to a shorter length of street along Main Street (206 linear feet versus 318 linear feet), the applicant still maintains that having to do so will be prohibitively expensive.

In-lieu fees have been paid in the past for undergrounding of utilities associated with new development. These fees are calculated based upon a Southern California Edison (SCE) preliminary estimate of \$450-525 per linear foot of street frontage. Actual fees may vary upon commencement. For example, in 2007 Dynamic Builders paid an undergrounding of utilities in-lieu fee of \$270,000 (\$1,097/linear foot) for an 8-unit industrial condominium project at 16900 S. Main Street, located across the street from the subject property. The in-lieu fees are deposited into an account set-aside for funding of future undergrounding of utilities along specific, heavily-traveled corridors in the city (Main Street, Figueroa Street, etc.).

The proposed project has a building permit valuation of \$353,000. The in-lieu fee is \$450/linear foot and the Main Street frontage is 206 feet. Thus, the total in-lieu fee is \$92,700 which represents 26.2 percent of the overall project valuation. The building permit valuation for the aforementioned Dynamic Builders' project was \$4,200,000. The Main Street frontage of their project site is 246 feet. The \$270,000 in-lieu fee collected by the city in 2007 represents 6.4 percent of the overall project valuation. However, Dynamic Builders' in-lieu fee was calculated at a cost per linear foot that is 2.4 times that of the subject project's in-lieu fee. Using \$450 as a linear foot cost for



the Dynamic Builders project would result in an in-lieu fee of \$110,700, or 2.6 percent of overall project valuation.

As the numbers show, the applicant is concerned that the in-lieu fee cost ratio to overall building permit valuation for his project is heavily skewed. He also contends that all other projects that have required in-lieu fees for undergrounding of utilities have involved construction of completely new development, not a modification to existing facilities. This is a true, however, the zoning code allows for such conditions to be imposed on any new development, including a modification of existing facilities, provided that the costs of such development is in excess of \$100,000, and the percentage of costs associated with required off-site improvements does not exceed 50 percent of overall building permit valuation. The proposed project valuation is well in excess of \$100,000 and the costs associated with undergrounding of utilities (in-lieu fees) represent 26.2 percent of the overall building permit valuation which is within the scope of the zoning code. The Engineering Division has removed other potentially costly conditions of approval in an effort to mitigate the applicant's concerns.

Staff recommends that the Planning Commission concur with the Engineering Division's modification to the approved conditions of approval.

IV. Environmental Review

Pursuant to Section 15301 – Existing Facilities (Class 1) of the California Environmental Quality Act (CEQA), the approval of Modification No. 2 to Design Overlay Review No. 733-00 is exempt and does not have the potential to cause a significant effect on the environment.

V. Recommendation

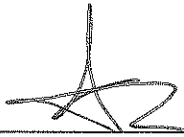
That the Planning Commission:

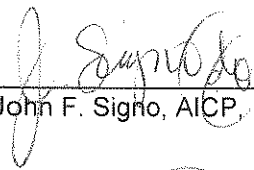
- APPROVE Modification No. 2 to Design Overlay Review No. 733-00; and
- ADOPT Resolution No. 11-_____ entitled, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON APPROVING MODIFICATION NO. 2 TO DESIGN OVERLAY REVIEW NO. 733-00 TO MODIFY CONDITIONS ADOPTED BY PLANNING COMMISSION RESOLUTION NO. 10-2358 FOR THE PROPERTY LOCATED AT 16619 AND 16629 S. MAIN STREET"


VI. Exhibits

1. Planning Commission Resolution No. 10-2358
2. Draft Resolution
3. Interoffice Memorandum Engineering Division dated March 23, 2011
4. Planning Commission Minutes dated December 14, 2010



Prepared by: 
Steven C. Newberg, AICP, Associate Planner

Reviewed by: 
John F. Sigho, AICP, Senior Planner

Approved by: 
Sheri Repp Loadsman, Planning Officer



CITY OF CARSON

PLANNING COMMISSION

RESOLUTION NO. 10-2358

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON APPROVING MODIFICATION NO. 1 TO DESIGN OVERLAY REVIEW NO. 733-00 FOR THE DEVELOPMENT OF A 11,784-SQUARE-FOOT, OPEN METAL STORAGE CANOPY LOCATED AT 16619 AND 16629 S. MAIN STREET

THE PLANNING COMMISSION OF THE CITY OF CARSON, CALIFORNIA, HEREBY FINDS, RESOLVES AND ORDERS AS FOLLOWS:

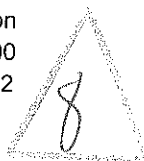
Section 1. An application was duly filed by the applicant, Schifino Properties, Inc., with respect to real property located at 16619 and 16629 S. Main Street, and described in Exhibit "A" attached hereto, requesting approval of Modification No. 1 to Design Overlay Review No. 733-00, approved and adopted by Planning Commission Resolution No. 01-1839 on January 30, 2001, concerning a revised site plan for the development of a proposed new 11,784-square-foot open metal storage shed to be located adjacent to an existing open metal storage shed. The 0.68-acre subject property is zoned MH (Manufacturing, Heavy) and is located within Redevelopment Project Area No. 1.

A public hearing was duly held on December 14, 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. The Planning Commission finds that:

- a) The proposed project is identified in the General Plan as a permitted use for this land use category. This project adheres to the goals and objectives of the Land Use Element of the General Plan by improving the appearance of Carson through new construction and rehabilitation of blighting conditions through mitigation of deferred maintenance. There is no specific plan for this area.
- b) The proposed project meets the goals and objectives of Redevelopment Project Area No. 1 by development and diversifying the economic base, increasing employment opportunities, and eliminating and preventing the spread of blight within the Project Area.
- c) The project has been modified to include the construction of a new 11,784-square-foot metal canopy with related lot improvements for parking, storage, and landscaping.
- d) The new canopy will be painted a green color to match the existing adjacent canopy. Decorative painted metal fascia will complement the building façade. Entrance gates are sliding, wrought-iron, and electronically controlled, two of which are located along 168th Street, and one along Main Street. A ten-foot high, fabricated steel wall, painted to match the new canopy, is proposed along the southern property line. The proposed project will be compatible with existing



and anticipated development in the vicinity, in terms of aesthetics, use and other features relative to harmonious and attractive development.

- e) The applicant proposes 48 vehicular parking spaces, which is sufficient to comply with applicable zoning code requirements for the proposed use.
- f) The main flow of traffic will move through the gates located along 168th Street on the west side of the subject property and will exit the north side of the property southbound onto Main Street. There is adequate truck maneuvering, parking, and loading areas proposed for the project, which have been vetted by the city's Traffic Engineer. Employee and visitor parking spaces will be located along the south property line, providing safe pedestrian access from the parking area to both structures. The site plan depicts safe pedestrian and vehicular circulation onsite, ample and convenient disabled parking, loading/access areas, driveway and parking space widths.
- g) The project conforms to any applicable design standards and guidelines that have been pursuant to Section 9138.14, and adopted pursuant to Section 9172.15 of the Carson Municipal Code.

Section 4. The Planning Commission further finds that the use permitted by the proposed modification will not have a significant effect on the environment and is therefore deemed "Categorically Exempt" pursuant to California Environmental Quality Act Guidelines, Article 19, Section 15332, In-Fill Development Projects.

Section 5. Based on the aforementioned findings, the Commission hereby approves Modification No. 1 to Design Overlay Review No. 733-00 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 14th DAY OF DECEMBER, 2010.

CHAIRMAN

ATTEST:

SECRETARY



CITY OF CARSON
PLANNING COMMISSION
RESOLUTION NO. 11-

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON
APPROVING MODIFICATION NO. 2 TO DESIGN OVERLAY REVIEW NO. 733-00
TO MODIFY CONDITIONS ADOPTED BY PLANNING COMMISSION RESOLUTION
NO. 10-2358 FOR THE PROPERTY LOCATED AT 16619 AND 16629 S. MAIN
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, Schifino Properties, Inc., with respect to real property located at 16619 and 16629 S. Main Street, and described in Exhibit "A" attached hereto, requesting approval of modifications to conditions of approval of Planning Commission Resolution No. 10-2358 approving Modification No. 1 to Design Overlay Review No. 733-00, approved and adopted by Planning Commission Resolution No. on December 14, 2010, concerning a revised site plan for the development of a proposed new 11,784-square-foot open metal storage shed to be located adjacent to an existing open metal storage shed. The 0.68-acre subject property is zoned MH (Manufacturing, Heavy) and is located within Redevelopment Project Area No. 1.

A public hearing of the Planning Commission was duly held on April 12, 2011 at 6:30 P.M. at City Hall, Council Chambers, 701 East Carson Street, Carson, California, wherein this item was heard by consent. A notice of time, place and purpose of the aforesaid meeting was duly given.

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

Section 3. The Planning Commission finds that:

- a) The findings made in the affirmative as contained in Planning Commission Resolution No. 10-2358 are still applicable and remain unchanged in light of modifications to the approved conditions of approval found in Exhibit "B" of said resolution.
- c) The conditions of approval related to off-site improvements and other conditions under the Section titled "Engineering Division – City of Carson", as found in Exhibit "B" of Planning Commission Resolution No. 10-2358, require modification to be consistent with other related conditions of approval applied to new development subject to discretionary review in the vicinity of the subject property.
- d) Conditions of approval as they relate to a sewer area study, a written statement from the water purveyor, implementation of a new utility service, and the installation of new street lights, are not applicable to the proposed project.
- e) Condition of Approval No. 81 contained in Exhibit "B" of Planning Commission Resolution No. 10-2358 concerning the undergrounding of existing overhead utility lines of 12 kilovolts or less along 168th Street fronting the south side of the

subject property should be modified to remove and replace 168th Street with Main Street instead. Right-of-way improvements along 168th Street recently completed by the city as part of a capital improvement project did not include undergrounding of the existing utility poles. The condition was originally intended to require the undergrounding along Main Street but was inadvertently assigned to 168th Street.

- f) New development projects in the vicinity and elsewhere along Main Street within the city have been required to pay in-lieu fees for public right-of-way improvements, including but not limited to, costs associated with the undergrounding of existing overhead utility lines. The modified Condition of Approval No. 81 contained in Exhibit "B" of this resolution requires an in-lieu fee for costs associated with undergrounding of existing overhead utility lines that is consistent or less than fees paid in association with such new development.

Section 4. The Planning Commission further finds that the proposed modifications to the approved conditions of approval will not have a significant effect on the environment and are therefore deemed "Categorically Exempt" pursuant to California Environmental Quality Act Guidelines, Article 19, Section 15301, Existing Facilities.

Section 5. Based on the aforementioned findings, the Commission hereby approves Modification No. 2 to Design Overlay Review No. 733-00 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 APRIL, 2011.

CHAIRMAN

ATTEST:

SECRETARY



CITY OF CARSON
OFFICE OF ECONOMIC DEVELOPMENT
PLANNING DIVISION
EXHIBIT "A"
LEGAL DESCRIPTION

MODIFICATION NO. 2 TO DESIGN OVERLAY REVIEW NO. 733-00

Property Address: 16619 and 16629 S. Main Street

Parcel 1: The land referred to as parcel no. 6126-003-005 is situated in the County of Los Angeles, State of California; and,

Parcel 2: The land referred to as parcel no. 6126-003-020 is situated in the County of Los Angeles, State of California.

Both parcels are described as follows:

Lot commencing North 118.06 Feet and South 88 Feet of Western 20 Feet from Southeast corner of Lot 45 of the Gardena Tract, in the City of Carson, as recorded in Maps, contained in Books, in the Office of the County Recorder of the County of Los Angeles, State of California.



CITY OF CARSON
OFFICE OF ECONOMIC DEVELOPMENT
PLANNING DIVISION

EXHIBIT "B"

CONDITIONS OF APPROVAL

MODIFICATION NO. 2 TO DESIGN OVERLAY REVIEW NO. 733-00

GENERAL CONDITIONS

1. All conditions contained in Exhibit "B", of Planning Commission Resolution No. 01-1839 passed and adopted on January 30, 2001, and Redevelopment Project Agency Resolution No. 01-08 adopted on February 20, 2001, as well as conditions contained in Exhibit "B", of Planning Commission Resolution No. 10-2358, shall remain in full force and effect, except as expressly modified by this resolution.
2. If Modification No. 1 to Design Overlay Review No. 733-00 is not used within one year of its effective date, said permit shall be declared null and void unless an extension of time is previously approved by the Planning Commission.
3. 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.
4. The applicant shall make any necessary site plan and design revisions to the site plan and elevations approved by the Planning Commission and on file with the City Planning Division, 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.
5. 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.
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, 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.



8. 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.
9. 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.
10. 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 Modification No. 2 to Design Overlay Review No. 733-00. 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

11. All parking areas and driveways shall remain clear. No encroachment into parking areas and/or driveways shall be permitted.
12. Parking spaces shall be identified (marked) as provided in Section 9162.56 of the Zoning Ordinance.
13. Parking spaces shall be provided with perimeter guards as provided in Section 9162.55 of the Zoning Ordinance.
14. All areas used for the movement parking, loading, repair or storage of vehicles shall be paved with either:
 - a. Concrete or asphaltic concrete to a minimum thickness of three and one-half inches over four inches of crushed aggregate base; or
 - b. Other surfacing material which, in the opinion of the Director of Engineering Services, provides equivalent life, service and appearance.
15. Compact spaces shall be properly designated pursuant to Section 9162.43 of the Zoning Ordinance.
16. Parking for handicapped shall comply with the requirements of Section 9162.42 of the Zoning Ordinance.



LANDSCAPING/IRRIGATION

17. The applicant shall submit two sets of landscaping and irrigation plans drawn, stamped, and signed by a licensed landscape architect and in substantial conformance with conceptual landscaping plans dated November 15, 2010, as received by the Planning Department. Such plans are to be approved by the Planning Division prior to the issuance of any building permit. Such landscape plans shall include a ten-foot minimum setback from 168th Street along the southern property line.
18. The applicant shall comply with the provisions of Section 9168 of the Zoning Ordinance, "Water Efficient Landscaping."
19. The applicant shall install 6" x 6" concrete curbs around all landscaped planter areas, except for areas determined by a SUSMP/NPDES permit, or other applicable condition of approval that requires certain landscaped areas to remain clear of concrete curbs for more efficient stormwater runoff flow and percolation. Revised landscaping and irrigation plans shall be reviewed and approved by the Planning Division should subsequent modifications be required by other concerned agencies regarding the removal of concrete curbs.
20. Landscaping shall be provided with a permanently installed, automatic irrigation system and operated by an electrically-timed controller station set for early morning or late evening irrigation.

UTILITIES

21. All utilities and aboveground equipment shall be constructed and located pursuant to Section 9146.8 of the Zoning Ordinance, unless otherwise provided for in these conditions.
22. All roof mounted equipment shall be screened from public view or incorporated into the design of the structure or building.
23. All utility meters will be painted the same color as the structures to reduce visibility (the Gas Company will not allow meters to be placed in boxes).
24. The applicant shall consult with Golden State Water Company, which requests that coordination of water services be conducted prior to beginning construction. A cost estimate may need to be prepared to evaluate system modifications to provide adequate supplies to the project. To set up new service or for a cost estimate the developer shall contact Mr. Eric Pivaroff at 909-937-0111, ext. 334. Or, at Golden State Water Company, 2143 Convention Center Way, Suite 110, Ontario, CA 91764.

AESTHETICS

25. The specification of all colors and materials must be submitted and approved by the Planning Division prior to the issuance of any building permits.



26. 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.).
28. There shall be no substantial deviation of architectural design or details from the approved set of plans. Any alteration shall be first approved by the Planning Division.

SIGNS

29. Business signs and sign structures shall be permitted in conformance with development plans which have been approved pursuant to the Site Plan and Design Review procedures (including the number of signs and sign structures to be permitted) as provided in Section 9172.23.

FENCES/WALLS

30. The existing 10-foot high portion of wall fronting 168th Street along the subject property's southern boundary shall be demolished. A new 10-foot high wall, constructed of materials and colors subject to review and approval by the Planning Division shall be built prior to the issuance of final occupancy for the new canopy structure. Such wall shall be placed beyond the ten-foot minimum landscape setback required pursuant to Condition No. 17 contained in this resolution.
31. All fences, walls and hedges shall be located and constructed in compliance with the standards as provided for in Section 9146.3 (industrial zones) of the Zoning Ordinance.

LIGHTING

32. All exterior lighting shall be provided in compliance with the standards as provided for in Section 9147.1 (industrial zones) of the Zoning Ordinance.
33. 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.

TRUCK LOADING AND MANEUVERING

34. All truck loading facilities, maneuvering areas and parking spaces shall be designed to the standards outlined in Section 9162.62 of the Zoning Ordinance.

TRASH

35. The trash enclosure and recycling area shall be located on a four inch concrete pad screened by a six foot high decorative concrete block wall that is compatible with the architectural design of the main building. A painted metal, self-closing



door shall be used for enclosing the entrance to the trash and recycling areas. The trash and recycling area enclosure design is to be approved by the Planning Division prior to issuance of any building permit(s).

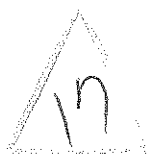
36. Recycling areas shall be provided in accordance with Sections 9164.4 and 9164.5 of the Zoning Ordinance. The number and size of recycling facilities are subject to the approval of the Planning Division

AIR QUALITY

37. Temporary traffic controls (i.e., flag person) shall be provided during all construction phases to maintain traffic flow.
38. Exposed piles (i.e., gravel, sand, and dirt) shall be enclosed, covered, or watered twice daily, or an approved soil binder shall be used.
39. Active grading sites shall be watered at least twice daily.
40. Excavation and grading operations shall be suspended when wind speeds (as instantaneous gusts) exceed 25 miles per hour over a 30-minute period.
41. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (i.e., minimum vertical distance between top of the load and the top of the trailer), in accordance with Section 23114 of the California Vehicle Code.
42. Streets shall be swept at the end of the day if visible soil material is carried over to adjacent roads.
43. Wheel washers shall be installed where vehicles enter and exit unpaved roads onto paved roads.
44. Trucks and any equipment leaving the site shall be washed if dirt, sand, soil, or other loose material is visible.
45. Water shall be applied three times daily, or chemical soil stabilizers shall be used according to manufacturers' specifications, to all unpaved parking or staging areas or unpaved road surfaces.
46. Traffic speed limits of 15 miles per hour or less shall be posted and enforced on all unpaved roads.

FIRE DEPARTMENT - COUNTY OF LOS ANGELES

47. Provide water mains, fire hydrants, and fire flows (per Water flow form 196) as required by County Forester and Fire Warden for all land shown on the map to be recorded.
48. Provide Fire Department and City approved street signs and building address numbers prior to occupancy.
49. Access shall comply with Section 10.207 of the Fire Code which requires all weather access. All weather access may require paving.



50. All required fire hydrants shall be installed, tested and accepted prior to construction. Vehicular access must be provided and maintained serviceable throughout construction.
51. A minimum, unobstructed width of 28 feet clear to sky, vehicular access to within 150 feet of the exterior walls is required.
52. Provide information on revised site plan that shows all existing fire hydrants within 300 feet of all property lines and callout hydrant size and dimension to property lines. This site plan must be reviewed and approved prior to building permit issuance. One architectural set and one extra site plan may be submitted to Area 1 Hawthorne Fire Prevention for life /safety review. 4475 W. El Segundo Blvd FS161, Hawthorne, CA. 90250.
53. All required fire hydrants shall be installed, tested and accepted prior to construction. Vehicular access must be provided and maintained serviceable throughout construction.

BUILDING AND SAFETY

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

THE GAS COMPANY

56. Underground Service Alert (USA) must be notified 48 hours prior to commencing work @ (800) 442-4133 or (800) 227-2600. Please keep us informed of construction schedules, pre-construction meetings, etc., so that we can schedule our work accordingly.

PUBLIC SAFETY - CITY OF CARSON

57. Ensure compliance with non-structural seismic mitigation measures, e.g. overhead glass treatments should use safety glass or film; vending machines, ice machines (if used) and other types of machines and equipment should be bolted or braced. Pictures and decorative items within common areas shall be secured for earthquake safety.
58. Ensure compliance with current seismic mitigation codes.
59. Where practical, surface treatments, accessibility or landscaping strategies should work to deter graffiti. Stucco or cinder block walls, with access to the public, should be set back or landscaped in such a way as to deter graffiti.
60. Automobile fluid leakage shall be disposed of properly. Leakage shall be prevented flowing to storm drains and shall be properly treated so that no potential harm to the environment or to persons exists.



ENGINEERING SERVICES DEPARTMENT - CITY OF CARSON

61. 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.
62. 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.
63. 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.
64. Any existing off-site improvements damaged during the construction shall be removed and reconstructed per City of Carson Standard plan and to the satisfaction of the City Engineer.
65. 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:

66. 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. If a drainage/grading plan is determined by the Building and Safety Division not to be required, then this condition shall not apply.
67. 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.
68. Soils report, drainage concept and hydrology study if required, and stormwater quality plan shall be reviewed and approved. Building Permit issuance will not be granted until the required soils, drainage concept, hydrology study and stormwater information have been received and found satisfactory, and the applicant must:
 - a. Comply with mitigation measures recommended in the approved soils, sewer area study, drainage concept, hydrology study and stormwater quality plan.
69. Quitclaim or relocate any easements interfering with building locations to the satisfaction of the City, appropriate agency or entity. A lot merger is required for the merger of the contiguous properties described at 16619 and 16629 S. Main Street, prior to the issuance of a building permit and subject to review and approval by the Engineering Division.
70. 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. The improvement plans shall include the following:

- a. Street Improvements along Main Street and/or 168th Street.
 - b. Sewer Main Improvements (if any) along Main Street and/or 168th Street as determined by the aforementioned sewer area study.
 - c. Storm Drain Improvements (if any) along Main Street and/or 168th Street as determined by the aforementioned requirement.
71. Construction bond for all work to be done within the public right of way shall be submitted and approved by Engineering Services prior to issuance of Building Permit.
72. Proof of Worker's Compensation and Liability Insurance.

Prior to issuance of Certificate of Occupancy, the proposed development is subject to the following:

73. 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.
74. Repair any broken or raised sidewalk, curb and gutter along Main Street and along 168th Street within or abutting this proposed development per City of Carson Standard and to the satisfaction of the City Engineer.
75. The Developer shall fill in any missing sidewalk, remove and replace any broken/damaged driveway approach along Main Street and along 168th Street in the public right of way abutting the proposed development per City of Carson Standard and to the satisfaction of the City Engineer.
76. Approved parkway trees shall be planted in tree wells on locations where trees are missing if there is adequate space to do so along the Main Street frontage. Such trees shall be planted per City of Carson Standard Nos. 117, 132, 133 and 134.
77. Install irrigation system for the purpose of maintaining the existing parkway trees and parkway trees to be planted along the frontage of the development along Main Street and 168th Street within or abutting this proposed development.
78. The Developer shall modify existing driveways in the public right of way along Main Street and 168th Street, if required, within or abutting this proposed development per City of Carson Standard to comply with the ADA requirements and to the satisfaction of the City Engineer.
79. The subject property shall be annexed into the Los Angeles County Street Lighting Maintenance District. The applicant shall verify requirements for doing



so with the Los Angeles County Department of Public Works – Traffic and Lighting Division.

80. Existing overhead utility lines less than 12 kilovolts along Main Street shall be underground to the satisfaction of the City Engineer. No undergrounding is required along 168th Street. The City will consider and accept an in-lieu fee in an amount determined by the City Engineer to be sufficient to cover the costs of such undergrounding. Undergrounding estimate shall be prepared by Southern California Edison and shall be submitted to the City Engineer for determination of applicability.
81. All new utility lines, servicing the proposed development abutting the proposed development shall be underground to the satisfaction of the City Engineer.
82. Streets abutting the development, with new utility trench cuts to serve the development, shall be slurry sealed from curb-to-curb when medians are existing or as approved by the City Engineer. Slurry Seal materials shall be rubberized emulsion aggregate slurry (REAS)
83. 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.
84. 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

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





INTEROFFICE MEMORANDUM

TO: Steve Newberg, Associate Planner
FROM: Raymond Velasco, Associate Civil Engineer (RV)
SUBJECT: 16619 Main Street
DATE: March 23, 2011

The following are itemized response to Mr. Schifino's request for modification to conditions of approval.

A. "Sections 61 and 66 - Requires grading plans be submitted to the City. Our drainage plan will not require grading, so a grading plan is an unnecessary added cost and delay in schedule."

RESPONSE: Verify with Building and Safety if a Grading plan is necessary.

B. "Sections 68 and 69 - Require a sewer area study and sewer hydrology study. The project does not add sewer requirements, so the study is an unnecessary added cost and delay in schedule."

RESPONSE: If there are no additional plumbing to the property, a sewer area study is not necessary.

C. "Section 77 - Requires trees along 168th. The site plan includes trees in a planter area in front of the new wall along 168th street. Since we already have trees in the planter, there is no need for parkway trees per Carson Standard Nos. 117, 132, 133 and 134. This is an unnecessary added cost to the project."

RESPONSE: No trees are required along 168th street. Trees shall be planted in tree wells, if there is adequate space along frontage of development along Main Street.

D. "Section 80 - Installation of street lights. We were told by the Planning Commission Staff that this would not be required, since street lights already exist. This provision should be removed."

RESPONSE: The property is currently not in the County Lighting Maintenance District. It shall be annexed into the district and additional street lights may be necessary. Verify with Los Angeles County Department of Public Works - Traffic and Lighting Division.

E. "Section 81 - Placing overhead electrical lines underground. After meeting with City Engineering staff, this would cost between \$75,000 and \$150,000 in costs. This would simply make the project prohibitively expensive."

RESPONSE: All existing overhead utility lines less than 12 kilovolts along Main Street shall be underground to the satisfaction of the City Engineer. No undergrounding is required along 168th Street. The City will accept an in-lieu fee in an amount determined by the City Engineer to be sufficient to cover the costs of such undergrounding. Undergrounding estimate shall be prepared by Southern California Edison and shall be submitted to the City Engineer for his determination.

F. "Section 82 - Running new utility lines. This section should be removed since we are using existing power and are not in need of new utilities. This would simply make the project prohibitively expensive."

RESPONSE: New utility service lines are required for new developments. This condition is not applicable.

G. "Section 83 - Written Statement from Water Purveyor regarding water services. The project only requires water for minor landscaping. This provision is simply an administrative delay in the project"

RESPONSE: Since the property already has an existing water service a statement from the water company is not necessary.

EXHIBIT NO. 3 -

EXHIBIT NO. 3



approving Conditional Use Permit No. 841-10 to permit the construction of a new bus wash facility (automobile laundry) located at 21222 South Wilmington Avenue." He noted that two Conditions of Approval had been added: 1) Street trees shall be maintained and watered for a minimum of 90 days or until established. If for any reason a street tree dies within the 90 days or is determined to be in poor condition by the City's landscape maintenance superintendent, the applicant shall be responsible in replacing the tree and; 2) Buses may not utilize 213th Street as a route for circulation. 213th Street may only be utilized for access when there is a direct destination (i.e., elementary school) on 213th Street. All buses are restricted to Wilmington Avenue and Carson Street as the primary route for circulation.

Vice-Chairman Park asked how many vehicle trips will take place from this site each day.

Chairman Faletogo opened the public hearing.

Donald Penny, applicant, stated that he concurs with the amended conditions of approval; stated they are proposing to expand the tree wells and add decorative rock; and he explained that there are 84 vehicles in the fleet, but added that only half get washed on the same day; noted that the bus services will determine which direction they go; and that they have a 90-percent capture rate for their reclaimed/recovery system at the wash station.

There being no further input, Chairman Faletogo closed the public hearing.

Planning Commission Decision:

Commissioner Schaefer moved, seconded by Chairman Faletogo, to approve the applicant's request; added 1) Street trees shall be maintained and watered for a minimum of 90 days or until established. If for any reason a street tree dies within the 90 days or is determined to be in poor condition by the City's landscape maintenance superintendent, the applicant shall be responsible in replacing the tree and; 2) Buses may not utilize 213th Street as a route for circulation. 213th Street may only be utilized for access when there is a direct destination (i.e., elementary school) on 213th Street. All buses are restricted to Wilmington Avenue and Carson Street as the primary route for circulation; and adopted Resolution No. 10-2357. Motion carried, 8-0 (absent Commissioner Diaz).

12. PUBLIC HEARING

B) Modification No. 1 to Design Overlay Review No. 733-00

Applicant's Request:

The applicant, Schifino Properties, Inc., is requesting to approve a modification to a previously approved development plan for a new 11,784-square-foot open metal storage shed in the MH (Manufacturing, Heavy) zone and Redevelopment Project Area No. 1. The subject property is located at 16619 and 16629 South Main Street.

Staff Report and Recommendation:

Associate Planner Newberg presented staff report and the recommendation to WAIVE further reading and ADOPT Resolution No. 10-2358, entitled, "A Resolution of the Planning Commission of the city of Carson approving Modification No. 1 to Design

EXHIBIT NO. 4



Overlay Review No. 733-00 for the development of a 11,784-square-foot, open metal storage canopy located at 16619 and 16629 South Main Street.”

Chairman Faletogo opened the public hearing.

Paul Collins, project architect, noted his concurrence with the conditions of approval.

There being no further input, Chairman Faletogo closed the public hearing.

Planning Commission Decision:

Commissioner Gordon moved, seconded by Chairman Faletogo, to approve the applicant's request, thus adopting Resolution No. 10-2358. Motion carried, 8-0 (absent Commissioner Diaz).

13. WRITTEN COMMUNICATIONS None.

14. MANAGER'S REPORT

Senior Planner Signo reminded the Commission that the December 28th Planning Commission meeting has been cancelled. On behalf of staff, he wished everyone a Merry Christmas.

15. COMMISSIONERS' REPORTS

In response to Commissioner Schaefer's inquiry, Senior Planner Signo advised that the RV storage appeal has been continued to the City Council's last January meeting.

Commissioner Gordon wished everyone a merry Christmas and happy New Year; and he thanked the Commission and staff for their hard work.

Commissioner Verrett asked staff to provide an explanation of the legal ramifications to the Harbor Village and Colony Cove appeals. She wished everyone a merry Christmas and happy New Year.

Commissioner Goolsby wished everyone a merry Christmas and happy New Year.

Commissioner Saenz reiterated his request to address a building color ordinance for industrial/commercial businesses. He stated that businesses should be required to erect a business sign for their establishment.

Chairman Faletogo asked staff to include Commissioner Saenz' signage display concern in a workshop format.

Commissioner Brimmer asked staff to explore how the city/community can financially benefit from cell tower facilities; asked for a workshop on the commercial facade program; asked that a tip/terminology sheet/pamphlet be available for business owners on the CUP process and other programs offered to these businesses; asked that each Commissioner be given the courtesy to ask whatever questions they may have during a workshop; and she thanked the Commission and staff for their hard work and wished everyone a merry Christmas and happy New Year.

Vice-Chairman Park wished everyone a safe and prosperous New Year.

