



CITY OF CARSON
PLANNING COMMISSION STAFF REPORT

PUBLIC HEARING: June 28, 2011
SUBJECT: Modification No. 10 to Design Overlay Review No. 831-03 and Variance No. 524-11
APPLICANT: Vintage Real Estate, LLC
11611 San Vicente Boulevard, 10th Floor
Los Angeles, CA 90049
REQUEST: Modification to the South Bay Pavilion sign program to allow advertising display signs and update directional signs
PROPERTY INVOLVED: 20700 S. Avalon Boulevard

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. 11B

I. Introduction

Applicant and Property Owner

Vintage Real Estate, LLC
Attn: Jerry N. Garner, Vice President of Development
11611 San Vicente Boulevard, 10th Floor
Los Angeles, CA 90049

Project Address

20700 S. Avalon Boulevard

Project Description

On February 7, 2011, the applicant submitted an application, Modification No. 10 to Design Overlay Review (DOR) No. 831-03, to update the sign program for the South Bay Pavilion to allow advertising display signs. The application includes:

- Four 8-foot by 21-foot advertising signs at the front of the mall located at the entrance into the food court facing Avalon Boulevard;
- Two 21-foot by 36-foot advertising signs and one 14-foot by 48-foot advertising sign located at the southern entrance to the mall facing Target and IKEA; and
- Replacement of 14 vehicle directional signs located throughout the mall parking lot with newer directional signs that show corporate colors and logos.

The advertising signs will be externally illuminated and have a four-inch-wide frame painted a silver color with a smooth semi-gloss finish. The purpose of the advertising signs is to attract customers from Target, IKEA, the restaurant pads along Avalon Boulevard, and people travelling on Avalon Boulevard. The applicant claims that customers of the department stores and restaurants are not aware of the smaller tenants inside the mall. Thus, the smaller tenants are at a disadvantage in attracting customers and generating business. The advertising signs are not expected to be effective or legible from the 405 Freeway.

On May 16, 2011, the applicant submitted Variance No. 524-11 requesting relief from Section 9136.7(B)(5), which states "a sign may be affixed to a building but shall not project above the height of the building wall or roof fascia." The variance request was submitted based on guidance from the Planning Commission at a workshop on May 10, 2011. The applicant contends that projecting above the roofline would give the appearance of light weight signs extending above the massive architectural building elements of the mall. The signs will be trimmed with a painted aluminum band and will be different from the building architecture making them easily recognizable for customers at Target and IKEA.



II. Background

Discussion

On May 10, 2011, the Planning Commission held a workshop to discuss the proposed project. Staff indicated that the Carson Municipal Code (CMC) does not allow signs to project above the roofline in which a sign is attached. Staff's recommendation was to reduce the height of the signs to below the roofline. After discussion, the Planning Commission indicated there is a special circumstance in that the mall is a regional shopping center. The Planning Commission supported the applicant's pursuit of a variance request to go above the roofline.

History

Carson Mall was constructed as an indoor mall in 1973 and renovated in 1992. As part of the renovation, the name was changed to the South Bay Pavilion and the Broadway building located in the southern portion of the mall was renovated to support IKEA. The three main retail anchors, Sears, IKEA, and JCPenney, made up 578,584 square feet of the 937,680-square-foot mall. In April 2005, Hopkins Real Estate Group (HREG) purchased the South Bay Pavilion and quickly worked on plans to redesign the mall to provide an outdoor shopping experience. At the time, 86 percent of the mall was occupied. In 2005-2006, the southern portion of the mall next to IKEA was demolished to make room for a fourth main retail anchor, Target, and new building pads and exterior tenant spaces were constructed that currently support Chase bank, 24 Hour Fitness, Chili's restaurant, Big 5, SanSai Japanese Grill, Panera Bread, Jamba Juice, Five Guys Burgers and Fries as well as others. In 2008, the farmers' market operating at the Community Center parking lot was relocated to the South Bay Pavilion. The farmers' market continues to operate every Thursday from 8 a.m. to 1 p.m.

Previously Approved Discretionary Permits

- On October 22, 1991, the Planning Commission approved Variance No. 353-91 for the reduction of the required side and rear yard setbacks for the 57,000-square-foot IKEA warehouse/office building, bringing the total size of IKEA to 206,500 square feet (Resolution No. 91-1418).
- On November 5, 1991, the Redevelopment Agency approved Design Overlay Review No. 547-91 to renovate the mall. Also included were three (3) new building pads (10,000 square feet, 12,000 square feet, and 15,000 square feet) along Avalon Boulevard and Dominguez Street for future tenants.
- On November 5, 1991, the Redevelopment Agency approved Design Overlay Review No. 548-91 for the IKEA department store (Resolution No. 91-36). The project added 57,000 square feet of warehouse/office building, bringing the total size of IKEA to 206,500 square feet.
- On September 22, 1992, the Planning Commission approved Variance No. 364-92 for the IKEA monument signs and flagpoles (Resolution No. 92-1466).

- On September 22, 1992, the Planning Commission approved Variance No. 365-92 for a 70-foot high pylon sign for the South Bay Pavilion located at the corner of Avalon Boulevard and Dominguez Street (Resolution No. 92-1465).
- On May 4, 2004, the Redevelopment Agency approved Design Overlay Review No. 03-09-831 (DOR No. 831-03) for 57,049 square feet of additional net building area, bringing the total building area for the South Bay Pavilion to 1,024,563 square feet.
- On June 28, 2005, the Planning Commission recommended approval of Zone Change Case No. 148-05 to the City Council in order to apply the Mixed Use Residential standards to the site by changing the zone from CR-D to CR-MUR-D (Commercial, Regional – Mixed Use Residential – Design Overlay). On July 19, 2005, and August 2, 2005, the City Council approved the first and second reading for Ordinance No. 05-1338. The Ordinance became effective September 1, 2005.
- On August 9, 2005, the Planning Commission approved Tentative Parcel Map No. 62572 for the subdivision of three (3) lots into (6).
- Subsequent modifications to DOR No. 831-03 were approved by the Planning Commission as follows:

TABLE 1: MODIFICATIONS TO DOR NO. 831-03

MOD. NO.	DESCRIPTION	DATE APPROVED
1	Sign program	7/27/04
2	Chili's building	4/26/05
3	Washing Mutual (now Chase) bank building	4/26/05
4	Alterations to the design of the mall area	4/26/05
5	Sign program – Redesign pylon sign and monument signs	8/9/05
6	24 Hour Fitness building	9/27/05
7a	Sign Program – Increase height of major tenant signs and logos from 6' to 7' (Chuck E. Cheese)	1/24/06
7b	Exterior improvements to the Sears building and auto repair center	9/26/06
8	Exterior improvements for Old Navy and exterior tenants	6/12/07
9	Farmers' market	9/9/08



III. Analysis

In 2009, Ordinance No. 09-1421 was passed to allow "temporary business signs for department stores or regional shopping centers with a gross floor area of at least one hundred thousand (100,000) square feet located in the CR Zoning District and in a Mixed-Use Residential (MUR) Overlay District" to deviate from the general sign requirements as it pertains to display size, location, orientation, material, length of time, and content pursuant to an approved sign program. The ordinance was adopted to allow IKEA to have an advertising sign at the west-facing wall of their building and to consider signage for the remainder of the mall with modification of the sign program.

As discussed at the May 10, 2011 Planning Commission workshop, advertising displays are a new trend that has developed due to the renovation of older malls and construction of newer shopping centers. There are many older malls that do not have large advertising displays. In conducting research, staff found the proposed advertising displays comparable to malls in the cities of Culver City, West Covina, and Huntington Beach. These three malls are located adjacent to a freeway and have excellent visibility to motorists.

It should be noted that these other cities restrict the display to only uses, products, and tenants located at the mall; off-site advertising (billboards) is prohibited. It is staff's opinion that if the Planning Commission is favorable to the proposal, restrictions should be included limiting the display to only uses and activities occurring at the South Bay Pavilion. This is consistent with the provision of Section 9136.7(A), which states that outdoor advertising signs (billboards) are not permitted in commercial zones.

In contrast, the proposed advertising signs at the South Bay Pavilion are not designed for freeway visibility. Instead, the purpose is to attract customers at Target, IKEA, and the restaurant pads and motorists on Avalon Boulevard. The applicant contends that customers of the large department stores are not aware of the smaller interior mall tenants and thus those smaller tenants are at a disadvantage at luring customers.

South-facing Advertising Signs

It is staff's concern that the south-facing signs extend above the height of the building wall, which violates the provision in Section 9136.7(B)(5). As such, the applicant has requested a variance from this section. It is staff's opinion that the signs could be made to fit the building wall so that they do not extend above the wall height, or the building façade could be modified to accommodate the size of the signs. Additionally, the Planning Commission should consider other improvements such as enhanced framing of the signs or additional architectural treatments that improve the aesthetics. In Huntington Beach, the signs at Bella Vista were required to be enhanced with trellises and vines. Although vines may be inappropriate for the proposed signs at the



South Bay Pavilion, the Planning Commission should consider enhanced treatment if it is in favor of the proposed signs.

West-facing Advertising Signs

Staff is also concerned that the four (4) advertising signs facing Avalon Boulevard may be excessive. The purpose of these signs is to promote the restaurants within the food court. It is staff's opinion that two (2) advertising signs would be adequate without making the appearance of the main entrance look cluttered. Having too much signage would detract from the "South Bay Pavilion" sign located just above the main entrance. The Planning Commission does have the authority to limit the number of signs and their appearance pursuant to Section 9136.7(B)(1).

Alternative Location

Although the applicant is proposing the advertising signs at the entrances to the mall, it is staff's opinion that a potential alternative location would be IKEA's north building wall which is currently blank. Currently, the north building wall is painted a cream color and void of architectural embellishments and signage. Staff has discussed this alternative with the applicant, however, the applicant claims the IKEA building is under separate ownership and advertising on their wall would not be desirable for IKEA because of easement issues and liability. Nonetheless, if an agreement could be reached between the mall owner and IKEA, the north-facing wall of IKEA would be an ideal location to erect an advertising sign. Additionally, IKEA wishes to place a second advertising sign on their south building wall. The applicant should consider negotiating with IKEA so that both parties have signs in appropriate locations.

Variance No. 524-11 Findings

Staff is hesitant to support the variance request as proposed because of the possibilities to make the signs compliant with the CMC and the negative precedence the signs would set in extending above the building wall. However, staff acknowledges that the mall is a different type of user as compared with other commercial uses because the mall is the city's regional shopping center and much larger than any other shopping center in the city. As such, staff has prepared a resolution that includes affirmative findings in support of the variance request to allow the advertising signs to exceed the wall height as required under Section 9172.22(D) of the CMC.

IV. Environmental

Pursuant to Section 15311(a), On-premise signs, of the California Environmental Quality Act (CEQA) guidelines, the proposed project is an update to the sign program of the South Bay Pavilion and involves the removal and replacement of directional signs and installation of advertising display signs. The proposed project does not have the potential for causing a significant effect on the environment and is found to be categorically exempt.



V. Conclusion

The mall certainly is a unique shopping center in the city because it is a regional attraction that delivers high tax revenue to the city. The purpose of the proposed advertising signs is to attract customers inside the mall so that smaller tenants can be profitable. The IKEA building and newly-constructed Target building are major users that attract many customers from a wide region. However, since they are separate from the indoor portion of the mall, customers may not be aware that there are smaller tenants within the mall. The Planning Commission should consider the effectiveness of the proposed advertising signs and the appropriateness in terms of number and size.

VI. Recommendation


That the Planning Commission:

- **APPROVE** Modification No. 10 to Design Overlay Review No. 831-03 and Variance No. 524-11 subject to the conditions of approval attached as Exhibit "B" to the Resolution; and
- **WAIVE** further reading and **ADOPT** Resolution No. 11-____, entitled "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON APPROVING MODIFICATION NO. 10 TO DESIGN OVERLAY REVIEW NO. 831-03 AND VARIANCE NO. 524-11 TO AMEND THE SIGN PROGRAM FOR THE SOUTH BAY PAVILION TO ALLOW FOR ADVERTISING DISPLAY SIGNS AND UPDATE THE DIRECTIONAL SIGNS FOR THE PROPERTY LOCATED AT 20700 S. AVALON BOULEVARD."


VII. Exhibits

1. Resolution
2. Development Plans/Sign Program

Prepared by:


John F. Signo, AICP, Senior Planner

Reviewed by:


Sheri Repp Loadsmann, Planning Officer



CITY OF CARSON
PLANNING COMMISSION
RESOLUTION NO. 11-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON APPROVING MODIFICATION NO. 10 TO DESIGN OVERLAY REVIEW NO. 831-03 AND VARIANCE NO. 524-11 TO AMEND THE SIGN PROGRAM FOR THE SOUTH BAY PAVILION TO ALLOW FOR ADVERTISING DISPLAY SIGNS AND UPDATE THE DIRECTIONAL SIGNS FOR THE PROPERTY LOCATED AT 20700 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 and owner, Jerry N. Garner on behalf of Vintage Real Estate, LLC, with respect to real property located at 20700 S. Avalon Boulevard, and described in Exhibit "A" attached hereto, requesting the approval of Modification No. 10 to Design Overlay Review No. 831-03 to update the South Bay Pavilion sign program, including allowing advertising display signs for tenants and uses at the mall and updating the directional signs. The variance request is to deviate from the requirement of Section 9136.7(B)(5) of the Carson Municipal Code (CMC), which states "a sign may be affixed to a building but shall not project above the height of the building wall or roof fascia." The applicant proposes three advertising signs on the south wall facing Target and IKEA that will extend above the height of the building wall.

On May 4, 2004, the Redevelopment Agency of the City of Carson approved Design Overlay Review No. 03-09-831 (DOR No. 831-03) for the expansion and renovation to the South Bay Pavilion. On July 27, 2004, the Planning Commission approved Modification No. 1 to DOR No. 831-03 for the sign program for the South Bay Pavilion. On August 9, 2005, the Planning Commission approved Modification No. 5 to DOR No. 831-03 to revise the design requirements. On January 24, 2006, the Planning Commission approved Modification No. 7a to DOR No. 831-03 to increase the height of signs and logos for major tenants from 6 feet to 7 feet.

A Planning Commission meeting was duly held on June 28, 2011, 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 the requirements of Sections 9172.22(D) and 9172.23(D), the Planning Commission finds that:

a) The proposed project is consistent with the General Plan and Redevelopment Plan for Project Area No. 1, which designates the subject property for Mixed Use-Residential and commercial uses.

b) The proposed project is part of the South Bay Pavilion shopping center and is compatible with the architecture and design of existing and anticipated development in the shopping center, including site planning, land coverage, landscaping, appearance, scale of structures and open space.

c) The project site is part of a planned development for the South Bay Pavilion shopping center in which a reciprocal easement agreement (REA) is in place to address



parking and vehicular circulation. Adequate parking spaces are available and adequate circulation is provided to ensure the convenience and safety of pedestrians and vehicles. The modification to the sign program will aid in vehicular circulation in that the directional signs will be updated to better guide traffic and advertising display signs will attract customers to the interior mall area.

d) The proposed modification will ensure that all signage at the South Bay Pavilion will comply with the approved sign program in order to assure attractiveness and compatibility. The proposed modification will improve directional signs and provide interior mall tenants a mechanism of advertising to customers of the large department stores and restaurant pads.

e) Installation of advertising display signs is a relatively new trend that has developed due to the renovation of older malls and construction of newer shopping centers. The proposed advertising display signs will help the South Bay Pavilion stay competitive with regional malls in other cities. The variance request to exceed the height of the building wall in which the proposed signs will be attached will not result in a special privilege in that the South Bay Pavilion is the city's only regional mall on 70.9 acres with over one (1) million square feet of building area located in close proximity to a freeway. Thus, there is a special circumstance applicable to the property based on the lot size and its location within the city's regional commercial area.

f) The project involves no potential for any adverse effect, either individually or cumulatively, on wildlife resources and therefore a De Minimis Impact Finding is made relative to AB 3158, Chapter 1706, Statutes of 1990.

Section 4. Pursuant to Section 15311(a), On-premise signs, of the California Environmental Quality Act (CEQA) guidelines, the proposed project is an update to the sign program of the South Bay Pavilion and involves the removal and replacement of directional signs and installation of advertising display signs. The proposed project does not have the potential for causing a significant effect on the environment and is found to be categorically exempt.

Section 5. Based on the aforementioned findings, the Commission hereby approves Modification No. 10 to Design Overlay Review No. 831-03 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.

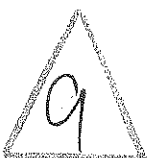
Section 7. This action shall become final and effective fifteen days after the adoption of this Resolution unless within such time an appeal is filed with the City Clerk in accordance with the provisions of the Carson Zoning Ordinance.

PASSED, APPROVED AND ADOPTED THIS 28th DAY OF June, 2011

CHAIRPERSON

ATTEST:

SECRETARY



APN: (portion of) 7381-024-026 (aka 7381-024-032)

PARCEL E:

PORTION OF PARCEL 1 OF PARCEL MAP NO. 062572, IN THE CITY OF CARSON, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP FILED IN BOOK 351 PAGES 94 TO 100 INCLUSIVE, OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, MORE PARTICULARLY DESCRIBED AS PARCEL 3 AS SHOWN ON EXHIBIT "B" IN THAT CERTIFICATE OF COMPLIANCE NO. 226-08, RECORDED MARCH 4, 2008, INSTRUMENT NO. 08-375614, OFFICIAL RECORDS.

EXCEPT THEREFROM, ALL (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, RECORDED NOVEMBER 8, 1963 IN BOOK D-2250 PAGE 752, OFFICIAL RECORDS, AS INSTRUMENT NO. 5444.

APN: (portion of) 7381-024-026 (aka 7381-024-034)

PARCEL F:

NON-EXCLUSIVE EASEMENT FOR INGRESS AND EGRESS, THE PASSAGE AND PARKING OF VEHICLES, THE PASSAGE AND ACCOMMODATION OF PEDESTRIANS AND FOR THE INSTALLATION, OPERATION, MAINTENANCE, REPAIR, RELOCATION AND REMOVAL OF SEWERS, WATER, AND GAS MAINS, ELECTRICAL POWER LINES, TELEPHONE LINES AND OTHER UTILITY LINES, AND FOR FOOTINGS, SUPPORTS, CANOPIES, FLAG POLES, ROOF, BUILDING AND OTHER OVER-HANGS, AWNINGS, ALARM BELLS, SIGNS, LIGHTS AND LIGHTING DEVICES, AND OTHER SIMILAR APPURTENANCES OVER AND ACROSS THOSE PORTIONS OF PARCELS 1, 3 AND 4 IN THE CITY OF CARSON, AS SHOWN ON PARCEL MAP NO. 2328 FILED IN BOOK 37, PAGES 4 TO 6 INCLUSIVE OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, INCLUDED WITHIN THE "COMMON AREA", ALL AS MORE PARTICULARLY SHOWN ON EXHIBIT B OF THAT CERTAIN INSTRUMENT CAPTIONED "CONSTRUCTION, OPERATION AND RECIPROCAL EASEMENT AGREEMENT" DATED FEBRUARY 25, 1972, EXECUTED BY DUNN CONSTRUCTION COMPANY, A CALIFORNIA PARTNERSHIP, BROADWAY-HALE STORES, INC., A CALIFORNIA CORPORATION, NOW KNOWN AS CARTER HAWLEY HALE STORES, INC., A DELAWARE CORPORATION, J.C. PENNEY PROPERTIES, INC., A DELAWARE CORPORATION, AND SEARS, ROEBUCK AND CO., A NEW YORK CORPORATION, RECORDED MARCH 28, 1972, IN BOOK D-5407 PAGE 122, OFFICIAL RECORDS AS DOCUMENT NO. 2971 IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, AND AS SET FORTH IN AND CREATED BY SAID INSTRUMENT, AND AS MODIFIED BY AN INSTRUMENT ENTITLED "FIRST AMENDMENT TO CONSTRUCTION, OPERATION AND RECIPROCAL EASEMENT AGREEMENT" DATED FEBRUARY 6, 1992 AS INSTRUMENT NO. 92-206068, OFFICIAL RECORDS, AND AS AMENDED BY SECOND AMENDMENT RECORDED JANUARY 27, 2005 AS INSTRUMENT NO. 05-0197780 AND THIRD AMENDMENT RECORDED JANUARY 27, 2005 AS INSTRUMENT NO. 05-0197784 BOTH OF OFFICIAL RECORDS.

EXCEPT ANY PORTION THEREOF, INCLUDED WITHIN PARCELS A, B, C HERETOFORE MENTIONED.

APN: 7381-024-028,030,032,034,022,020,026



LEGAL DESCRIPTION

EXHIBIT "A"

PARCEL A:

PARCEL 5, IN THE CITY OF CARSON, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS SHOWN ON A PARCEL NO. 2328 FILED IN BOOK 37 PAGES 4 TO 6 INCLUSIVE OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

APN: 7381-024-010

PARCEL B:

PARCEL 5 OF PARCEL MAP NO. 060509 IN THE CITY OF CARSON, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS SHOWN ON A MAP FILED IN BOOK 328, PAGES 87 THROUGH 94, INCLUSIVE, OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPT THEREFROM, ALL (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, RECORDED NOVEMBER 8, 1963 IN BOOK D-2250 PAGE 752, OFFICIAL RECORDS, AS INSTRUMENT NO. 5444.

APN: 7381-024-024

PARCEL C:

PARCELS 3 AND 5 OF PARCEL MAP NO. 062572, IN THE CITY OF CARSON, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP FILED IN BOOK 351 PAGES 94 TO 100 INCLUSIVE, OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPT THEREFROM, ALL (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, RECORDED NOVEMBER 8, 1963 IN BOOK D-2250 PAGE 752, OFFICIAL RECORDS, AS INSTRUMENT NO. 5444.

APN: 7381-024-028 (Pcl 3) and 7381-024-030 (Pcl 5)

PARCEL D:

PORTION OF PARCEL 1 OF PARCEL MAP NO. 062572, IN THE CITY OF CARSON, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP FILED IN BOOK 351 PAGES 94 TO 100 INCLUSIVE, OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, MORE PARTICULARLY DESCRIBED AS PARCEL 1 AS SHOWN ON EXHIBIT "B" IN THAT CERTIFICATE OF COMPLIANCE NO. 226-08, RECORDED MARCH 4, 2008, INSTRUMENT NO. 08-375614, OFFICIAL RECORDS.

EXCEPT THEREFROM, ALL (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, RECORDED NOVEMBER 8, 1963 IN BOOK D-2250 PAGE 752, OFFICIAL RECORDS, AS INSTRUMENT NO. 5444.



CITY OF CARSON
ECONOMIC DEVELOPMENT GROUP
PLANNING DIVISION
EXHIBIT "B"
CONDITIONS OF APPROVAL
DESIGN OVERLAY REVIEW NO. 831-03 MODIFICATION NO. 10
VARIANCE NO. 524-11

GENERAL CONDITIONS

1. If Modification No. 10 to Design Overlay Review (DOR) No. 831-03 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.
2. Conditions set forth in the original approval for DOR No. 831-03 and any modifications shall remain in full force and effect unless specifically modified, stricken, added to, or amended herein.
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 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 as Exhibit "C-1", 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.
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. 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.



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. 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. The plans shall be a comprehensive update of the entire sign program for the South Bay Pavilion.
10. 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 (DOR) No. 831-03 and associated modifications. 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.

PLANNING

11. There shall be no deviation of architectural design or details from the approved set of plans. Any alteration shall be first approved by the Planning Division.
12. The subject property shall be maintained at all times to present an attractive appearance to the satisfaction of the Planning Division.
13. Approval of this request shall not waive compliance with all sections of Article IX (Planning and Zoning) of the Municipal Code, and all other applicable City Ordinances in effect at the time of approval.
14. All signs shall comply with the approved sign program for the South Bay Pavilion on file at the Planning Division in City Hall. Offsite signs located in the public right-of-way are prohibited unless an encroachment permit is issued by the Public Works Division prior to installation.
15. Advertising display signs at the main entrance on the western wall facing Avalon Boulevard shall be limited to (2) two signs, subject to review and approval by the Planning Division.
16. Content on the advertising signs shall be limited to tenants, products, activities, or uses at the South Bay Pavilion only. In no event shall the advertising signs be



used as off-site signs for any business, product, activity, or use not occurring at the South Bay Pavilion.

17. Content on the advertising signs shall predominantly be graphics, such as photos of tenants, products, activities, or uses at the South Bay Pavilion. Lettering shall be limited to 30 percent of the sign area.

BUSINESS LICENSE DEPARTMENT

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

