



## CITY OF CARSON

### PLANNING COMMISSION STAFF REPORT

CONTINUED PUBLIC HEARING: April 11, 2017

SUBJECT: Design Overlay Review No. 1631-16

APPLICANT: Chas Fisher of Cypress Equities

REQUEST: To permit the remodel of the existing Sears building within SouthBay Pavilion Mall by demising the existing floor area into four retail spaces, updating the exterior façade, and minor landscape improvements, located in the CR-MUR-D (Commercial, Regional Mixed Use Residential – Design Overlay) zoning district.

PROPERTY INVOLVED: 20700 S. Avalon Boulevard, 90746

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#### COMMISSIONERS' VOTE

AYE	NO		AYE	NO	
		Chairman Diaz			Madrigal
		Vice-Chair Pimentel			Mitoma
		Andrews			Post
		Fe'esago, Jr.			Thomas
		Guidry			

## I. Introduction

### *Applicant*

Chas Fisher of Cypress Equities  
8343 Douglas Avenue, Suite 200, Dallas, TX 75225

### *Property Owner*

Seritage SRC Finance LLC  
489 Fifth Avenue, 18<sup>th</sup> Floor, New York, NY 10017

### *Project Address*

20700 S. Avalon Blvd., Carson, CA 90746

## II. Project Description

The applicant is proposing Design Overlay Review (DOR) No. 1631-16 to permit the remodel of the existing Sears building within SouthBay Pavilion Mall by demising the existing floor area into four retail spaces, updating the exterior façade, and minor landscape improvements.

## III. Project Site and Surrounding Land Uses

SouthBay Pavilion Mall is an existing regional mall with an existing gross leasable area of 1,035,483 SF with 4,640 parking spaces that is anchored by Target, IKEA, Sears, JCPenney, Cinemark Theaters, and a mix of 83 specialty stores and restaurants. The properties included in the mall are part of a reciprocal easement agreement (REA) which covers the entire property. The REA includes provisions for common driveways, parking, and maintenance requirements.

Site Information	
General Plan Land Use	Mixed-Use Residential
Existing Zone District	CR-D-MUR (Commercial, Regional – Design Overlay Review – Mixed Use Residential)
Site Size	Approximately 71 acres
Present Use and Development	Regional Retail Shopping Center
Surrounding Uses/ Zoning	<u>North:</u> Del Amo Park, smaller retail center, residences zoned OS (Open Space) and CR (Commercial, Regional) <u>South:</u> Commercial businesses and hotel zoned CR (Commercial, Regional) <u>East:</u> Apartments zone RM-25 (Residential, Multifamily) and light industrial uses zoned ML (Manufacturing, Light) <u>West:</u> Offices zoned CR (Commercial, Regional)
Access	Ingress/Egress: Primary access from Avalon Blvd; secondary access from Dominguez St, Del Amo Blvd, and Leapwood Ave

### *Public Safety Issues*

The SouthBay Pavilion has its own security team that patrols the mall. Major code enforcement issues have not been reported by the City's Public Safety Division.

## **IV. Analysis**

### Proposed Improvements

The project includes interior and exterior renovation of an existing two-story building with a basement level that will exclusively be occupied by Sears. Interior improvements include the demising of the existing floor area resulting in 4 tenant spaces (including Sears). No new square footage is proposed as part of the overall tenant improvements.

The applicant proposes modifications to the west elevation including two new storefront entrances, and the north elevation includes three new entrances. Each new storefront entrance is uniquely articulated with architectural pop-outs that include color and materials that complement the existing façade while providing a new image and identity for the building. New materials include: metal and translucent panels, painted stucco, decorative tiles, metal eyebrows, etc. Additionally, the east elevation will include architectural enhancements to compliment the west and north elevations; however no new entrances are proposed and the existing loading area will remain.

To assist with the architectural review of the project, staff utilized the assistance of the City Architect. The City Architect was able to effectively ensure that the proposed project balanced the new tenant's corporate architectural image with the City's need to support compatibility with the existing SouthBay Mall shopping center and pedestrian-scaled features.

### Landscaping

The existing raised landscape planters within the perimeter sidewalk areas along the west and north elevations will be removed and replaced with new at grade planters. The planter along the east elevation will remain.

The conceptual landscape plan includes Desert Willow African Sumac trees along with a variety of drought-tolerant shrubs and groundcover. Evergreen vines are proposed along the east elevation wall to soften the appearance. The proposed landscaping consisting of varying height shade trees, shrubs and ground cover will help soften the appearance of the building and provide aesthetic relief. The landscaping plan will help visually enhance the property from parking areas and the street while providing adequate shading and screening.

### Transportation and Parking

The current request was continued by the Planning Commission at staff's request from February 28, 2017 to March 14, 2017, and then again to April 11, 2017. These continuances allowed for additional time for ongoing discussions with the applicant

about a potential site for a proposed Transit Center within the property. Currently, all City buses stop at the south side of Del Amo Boulevard east of Avalon Boulevard to allow transfers between buses. This arrangement is less than ideal with an opportunity to plan for a transit center that benefits the community and the mall. After meetings with the applicant, the City has determined that it is not necessary to further delay the applicant's project. The applicant has agreed to fully cooperate and support the City in its efforts to secure a transit center site in the area. The City and the applicant will be working together and with other stakeholders to further analyze this need. The City also plans to engage other transit operators in the region to leverage funding for the project.

The applicant has volunteered to pay the City a community transit improvement contribution of \$30,000.00 for improvements toward future community transit improvements including but not limited to bus stop improvements and the future transit center, Condition No. 12.

The applicant is proposing two electric vehicle (EV) charging stations in response to the increasing demand and is open to more in the future. At this time, there are no other changes as a result of this project to the onsite circulation, ingress/egress, and parking, Condition No. 33.

#### Signage

New tenant wall signs are required to comply with the sign ordinance CMC 9136.7 and will be reviewed separately. They do not do not require Planning Commission approval and will be approved by the Planning Division staff prior to building occupancy.

#### Development Impact Fees

The City is in the process of developing and adopting Development Impact Fees (DIF) on new developments to pay for impacts of a project on the City's infrastructure. Projects with existing buildings are exempt from this proposed fee. Since this project is proposed within the existing Sears building, the project is exempt from DIF.

### **V. General Plan Consistency**

SouthBay Pavilion Mall has a General Plan Land Use designation of Mixed Use Residential and remains consistent with the surrounding Commercial, Office, Light Industrial, and Residential uses.

### **VI. Environmental Review**

Pursuant to Section 15301 (Existing Facilities) of the California Environmental Quality Act (CEQA), the proposed project to remodel the existing Sears building reasonably falls within this exemption category and no foreseeable significant impacts would result.

## VII. Public Notice

Public notice was posted to the project site on February 8, 2017. Notices were mailed to property owners and occupants within 300 feet by February 16, 2017. The agenda was posted at City Hall 72 hours prior to the Planning Commission meeting.

## VIII. Recommendation

That the Planning Commission:

- **WAIVE** further reading;
- **APPROVE** the proposed project subject to the conditions of approval attached as Exhibit "B" to the Resolution; and
- **ADOPT** Resolution No. 17-\_\_\_\_, approving Design Overlay Review No. 1631-16 to permit the remodel of the existing Sears building within SouthBay Pavilion Mall by demising the existing floor area into four retail spaces, updating the exterior façade, and minor landscape improvements for a property located at 20700 S. Avalon Boulevard.

## IX. Exhibits

1. Draft Resolution
2. Site Map
3. Development Plans (under separate cover)

**Prepared by:** Ethan Edwards, AICP, Contract Planner

**CITY OF CARSON**  
**PLANNING COMMISSION**

**RESOLUTION NO. 17-xx**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON APPROVING DESIGN OVERLAY REVIEW NO. 1631-16 TO PERMIT THE REMODEL OF THE EXISTING SEARS BUILDING WITHIN SOUTHBAY PAVILION MALL BY DEMISING THE EXISTING FLOOR AREA INTO FOUR RETAIL SPACES, UPDATING THE EXTERIOR FAÇADE, AND MINOR LANDSCAPE IMPROVEMENTS, LOCATED IN THE CR-MUR-D (COMMERCIAL REGIONAL – MIXED USE RESIDENTIAL – DESIGN OVERLAY) ZONING DISTRICT.**

**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, Chas Fisher of Cypress Equities, on behalf of the property owner, Seritage SRC Finance LLC, with respect to real property located at 20700 S. Avalon Boulevard and described in Exhibit "A" attached hereto requesting approval of Design Overlay Review No. 1631-16 to remodel of the existing Sears building within SouthBay Pavilion Mall by demising the existing floor area into four retail spaces, updating the exterior façade, and minor landscape improvements, located in the CR-MUR-D (Commercial Regional - Mixed Use Residential – Design Overlay) zoning district.

**Section 2.** A public hearing was duly held on April 11, 2017, at Carson City Hall, 701 East Carson Street, Carson, California. A notice of the time, place, and purpose of the aforesaid meeting was duly given. Evidence, both written and oral, was duly presented to and considered by the Planning Commission at said hearing.

**Section 3.** The Planning Commission finds that:

- a) The proposed project is consistent with the General Plan of the City of Carson. The project site has a General Plan Land Use designation of Mixed-Use Residential and the existing development and proposed renovation is compatible with the surrounding areas.
- b) The proposed project is within the SouthBay Pavilion shopping center and the proposed renovation is compatible with the architecture and design of existing and anticipated development in the area, including site planning, land coverage, landscaping, appearance, scale of structures and open space.
- c) The project site circulation will remain unchanged. The project site is within the SouthBay Pavilion shopping center and adequate parking spaces and circulation will be provided to assure the convenience and

**EXHIBIT NO. 1 -**



safety of pedestrians and vehicles. The proposed development will have direct access to Avalon Boulevard and secondary access to Dominguez Street, Del Amo Boulevard, and Leapwood Avenue via internal driveways within the parking lot of the shopping center.

- d) The existing raised landscape planters within the perimeter sidewalk areas along the west and north elevations will be removed and replaced with new at grade planters. The planter along the east elevation will remain unchanged. Landscape improvements will enhance the visual attractiveness from adjoining streets and walkways.
- e) The proposed building signage includes new locations for the proposed tenant suites. All signage is subject to review by the Planning Division under a separate permit pursuant to code.
- f) The proposed improvements are in conformance with the City's design standards and guidelines that are applicable to this project.
- g) The required findings pursuant to Section 9172.23 (D), "Site Plan and Design Review", can be made in the affirmative.

**Section 4.** Pursuant to Section 15301 (Existing Facilities) of the California Environmental Quality Act (CEQA) Guidelines the project is categorical exempt. The proposed project to remodel the existing Sears building reasonably falls within this exemption category and no foreseeable significant impacts would result. As such, the Planning Commission hereby approves the Categorical Exemption.

**Section 5.** Based on the aforementioned findings, the Planning Commission hereby approves Design Overlay Review No. 1631-16 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.

**PASSED, APPROVED AND ADOPTED THIS 11<sup>TH</sup> DAY OF APRIL 2017.**

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**CHAIRMAN**

**ATTEST:**

\_\_\_\_\_  
**SECRETARY**

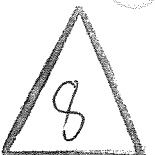


**CITY OF CARSON**  
**COMMUNITY DEVELOPMENT DEPARTMENT**  
**PLANNING DIVISION**  
**EXHIBIT "B"**

**CONDITIONS OF APPROVAL**  
**DESIGN OVERLAY REVIEW NO. 1631-16**

**GENERAL CONDITIONS**

1. If a building permit for Design Overlay Review No. 1631-16 is not issued within one year of their effective date, said permit 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 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.
4. The applicant shall comply with all city, county, state and federal regulations applicable to this project.
5. The applicant shall make any necessary site plan and design revisions to the site plan and elevations approved by the Planning Commission in order to comply with all the conditions of approval and applicable Zoning Ordinance provisions. Substantial revisions will require review and approval by the Planning Commission. Any revisions shall be approved by the Planning Division prior to Building and Safety plan check submittal.
6. The applicant and property owner shall sign an Affidavit of Acceptance form and submit the document to the Planning Division within 30 days of receipt of the Planning Commission Resolution.
7. 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.
8. 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.





9. 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.
10. Precedence of Conditions. If any of the Conditions of Approval alter a commitment made by the applicant in another document, the conditions enumerated herein shall take precedence unless superseded by a Development Agreement, which shall govern over any conflicting provisions of any other approval.
11. City Approvals. All approvals by City, unless otherwise specified, shall be by the department head of the department requiring the condition. All agreements, covenants, easements, deposits and other documents required herein where City is a party shall be in a form approved by the City Attorney. The Developer shall pay the cost for review and approval of such agreements and deposit necessary funds pursuant to a deposit agreement.
12. Prior to obtaining final building permit approval, a community transit improvement contribution in the amount of \$30,000.00 shall be paid to the City of Carson.
13. Covenant, Conditions, and Restrictions (CC&Rs). Covenants, Conditions and Restrictions (CC&Rs) shall be established for the project. The applicant or successor in interest shall pay for the cost of review and approval of the CC&Rs by the City Attorney. The CC&Rs shall provide for proper maintenance of the property and include other necessary conditions to carry out the terms herein, and shall be enforceable by the City, and recorded prior to development of any parcels. An initial deposit of \$5,000.00 is required to cover processing costs. The applicant shall pay the cost for review and approval of such agreements and deposit necessary funds pursuant to a deposit agreement.
14. Deposit Account. A trust deposit account shall be established for all deposits and fees required in all applicable conditions of approval of the project. The trust deposit shall be maintained with no deficits. The trust deposit shall be governed by a deposit agreement. The trust deposit account shall be maintained separate from other City funds and shall be non-interest bearing. City may make demands for additional deposits to cover all expenses over a period of 60 days and funds shall be deposited within 10 days of the request therefore, or work may cease on the Project.
15. Indemnification. The applicant, the owner, tenant(s), and their subsequent successors (Parties) agree to 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, or in any way related to any damage or harm to people or property, real and personal, that may result from Yellow Basket Property Owner(s) operations or any claims against the City for or as a result of the granting of the approval. The City will promptly notify the Parties of any such claim, action, or proceeding against the City and Parties will pay the City's associated legal costs and will advance funds assessed by the City 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 Parties' 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. Parties shall provide a deposit in the amount of 100% of the City's estimate, in its sole and absolute discretion, of the cost of litigation, including the cost of any award of attorney's fees, and shall make additional deposits as requested by the City to keep the deposit at such level. The City may ask for further security in the form of a deed of trust to land of equivalent value. If Parties fails to provide or maintain the deposit, the City may abandon the action and Parties shall pay all costs resulting therefrom and the City shall have no liability to Parties.

## **AESTHETICS**

16. Texture treatment (such as rough stucco, sandblasting, etc.) shall be incorporated into building facades, subject to the Planning Division approval.
17. 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.
18. Down spouts shall be interior to the structure or architecturally integrated into the structure to the satisfaction of the Planning Division.
19. Any roof-mounted equipment shall be screened to the satisfaction of the Planning Division.
20. Incorporate additional landscaping to screen and block specific project areas that could be subject, as determined by the Planning Division, to graffiti.
21. Graffiti shall be removed from all areas within three (3) days of written notification by the City of Carson, including graffiti found on perimeter walls and fences. 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 modification (i.e. fencing, landscaping, chemical treatment, etc.)
22. Prior to Issuance of Building Permit, the specification of all colors and materials must be submitted and approved by the Planning Division.

## **LANDSCAPE/IRRIGATION**

23. Comply with the provisions of Section 9168 of the Zoning Ordinance, "Water Efficient Landscaping."
24. 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.
25. Installation of 6" x 6" concrete curbs are required around all landscaped planter areas, except for areas determined by National Pollutant Discharge Elimination System (NPDES) permit or other applicable condition of approval that requires certain landscaped areas to remain clear of concrete curbs for more efficient storm water 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.

26. Installation, maintenance, and repair of all landscaping shall be the responsibility of the property owner.
27. The proposed irrigation system shall include best water conservation practices.
28. Prior to Issuance of Building Permit, the applicant shall submit two sets of landscape and irrigation plans drawn, stamped, and signed by a licensed landscape architect. Such plans are to be approved by the Planning Division.

### **LIGHTING**

29. All exterior lighting shall be provided in compliance with the standards pursuant to Section 9127.1 of the Zoning Ordinance.
30. 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.

### **PARKING**

31. All driveways shall remain clear. No encroachment into driveways shall be permitted.
32. All areas used for movement, parking, loading, or storage of vehicles shall be paved and in accordance with Section 9162.0 of the Zoning Ordinance.
33. Two electric vehicle (EV) charging stations shall be provided prior to issuance of Occupant Permits.

### **SIGNAGE**

*Prior to obtaining final building approval*

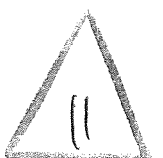
34. All signage shall comply with the requirements of the Carson Municipal Code and shall be approved by the Planning Division prior to building occupancy.

### **TRASH**

35. Trash collection shall comply with the requirements of the City's trash collection company.

### **BUILDING AND SAFETY DIVISION**

36. Submit development plans for plan check review and approval.
37. Obtain all appropriate building permits and an approved final inspection for the proposed project.
38. Prior to Issuance of building permits, proof of worker's compensation and liability insurance must be on file with the Los Angeles County Building and Safety Division.



## **ENGINEERING SERVICES DEPARTMENT**

### *General Conditions*

39. All necessary street dedications and street improvements shall not apply due to the exceptions stated on CMC § 9161.2, with exceptions to the items below.
40. 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.
41. A construction permit is required for any work to be done in the public right-of-way.
42. 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 permit by Engineering Services.
43. Proof of Worker's Compensation and Liability Insurance shall be submitted to the city prior to issuance of construction permit.

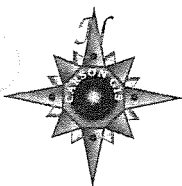
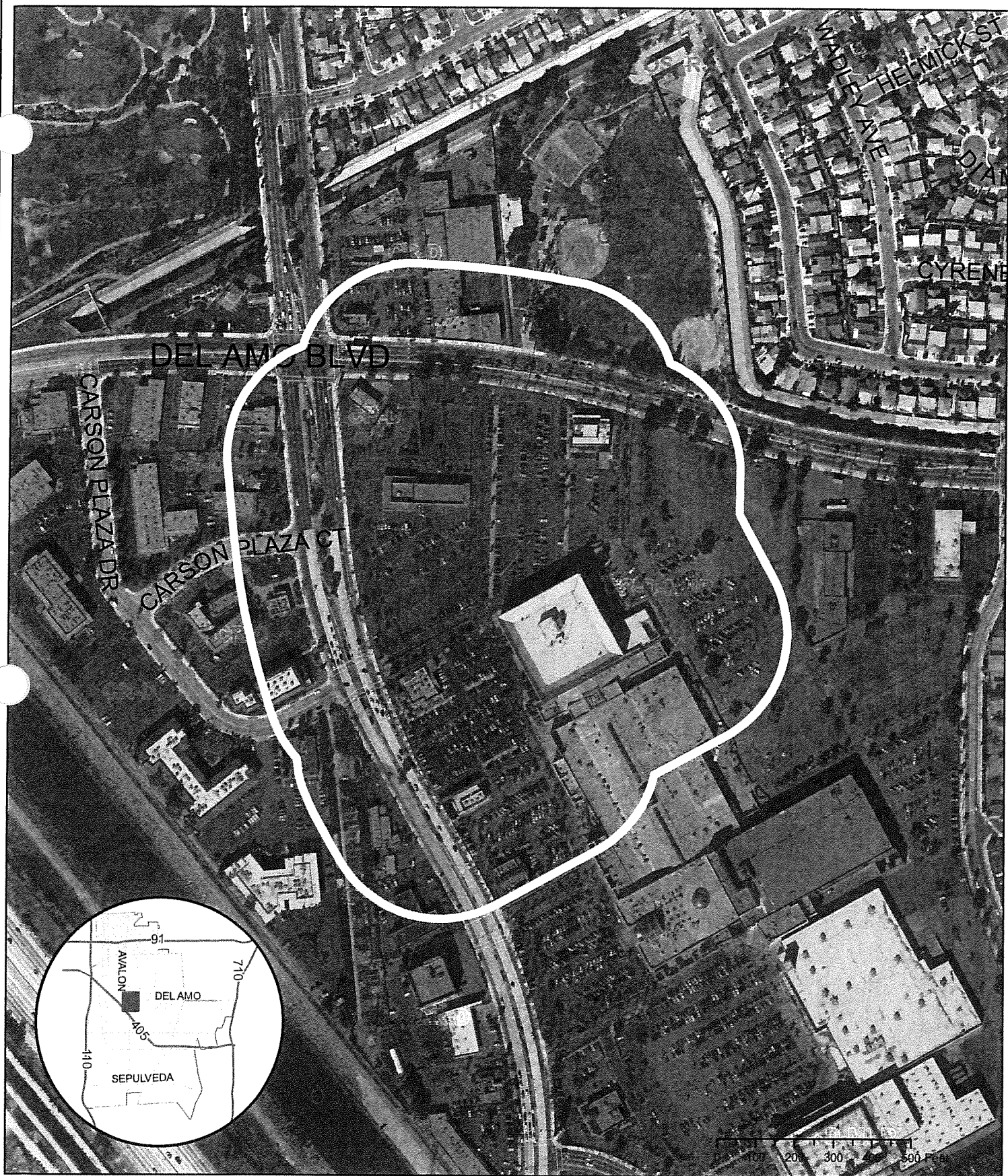
### **PUBLIC WORKS – WATER QUALITY**

44. If parkway drains are installed, install drain inserts to mitigate onsite storm water pollution.

### **BUSINESS LICENSE**

45. All parties involved in the subject project located at 22300 S. Avalon Boulevard including to but not limited to contractors and subcontractors are required to obtain a city business license per Section 6310 of the Carson Municipal Code.





City of Carson  
300 Foot Radius Map  
20700 Avalon Blvd.

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