

CITY OF CARSON
PLANNING COMMISSION

RESOLUTION NO. 23-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON CONSIDER FINDING A CEQA EXEMPTION AND APPROVAL OF SIGN PROGRAM (SPG) NO. 34-23 FOR APPROVAL OF PROPOSED SIGNAGE WITH DEVIATIONS TO THE MU-CS (MIXED-USE – CARSON STREET) ZONE PURSUANT TO CARSON MUNICIPAL CODE (CMC) SECTION 9138.17 FOR A PROPOSED RASCALS TERIYAKI GRILL RESTAURANT AT 205 E. CARSON STREET.

WHEREAS, on January 25, 2023, the Department of Community Development received an application from Phil Kiyokane, property owner, for real property located at 205 E. Carson Street and legally described in Exhibit “A” attached hereto, requesting approval of Sign Program (SPG) No. 34-23 for a previously approved Rascals Teriyaki Grill restaurant with outdoor patio seating; and

WHEREAS, studies and investigations were made and a staff report with recommendations was submitted, and the Planning Commission, upon giving the required notice, did on the 16th day of March, 2023, conduct a duly noticed public hearing as required by law to consider said sign program application. Notice of the hearing was originally posted and mailed to property owners and properties within a 750-foot radius of the project site by March 16, 2023; and

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF CARSON, CALIFORNIA, HEREBY RESOLVES AS FOLLOWS:

SECTION 1. The Planning Commission finds that the foregoing recitals are true and correct and are incorporated herein by reference.

SECTION 2. The Planning Commission finds as follows:

1. With respect to Sign Program (SPG) No. 34-23, for the restaurant at the subject property:
 - a) The project consists of three, 58.69-square-foot, illuminated wall signs with logos on an approximately 2,562-square-foot restaurant with a 184-square-foot outdoor patio and adjoining 19 stall parking lot.
 - b) The 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 proposed signage is compatible with the surrounding uses.
 - c) The project is compatible in design with existing and anticipated development in the vicinity and other features relative to a harmonious and attractive development of the area. The proposed signage is not expected to create a visual nuisance.
 - d) The project is compatible with the surrounding area in that it is in keeping with other commercial restaurants in the vicinity consisting of aluminum with paint finish to give a halo effect illumination.

EXHIBIT 1

- e) The project is in conformance with the design guidelines of the Mixed Use – Carson Street (MU-CS) zone. All signage associated with this project will comply with applicable Carson Municipal Code provisions, and will exhibit attractiveness, effectiveness, and restraint in signing graphics and color.
2. Section 9138.17, of the Carson Municipal Code (CMC), requires Planning Commission approval of a sign program for any deviations from the sign standards. With respect to the MU-CS sign standards, approval of the sign program permits the following deviations:
 - a) A total of 176.07 square feet of the combined sign area
 - b) Three (3) wall signs for the restaurant located on the north-east corner of Carson Street and Orrick Avenue.
 - c) Signage capital letter font allowable maximum height is 2'-4" with a logo having a maximum height of 4'-0" height.
 4. The signage will effectively market the new restaurant generating positive economic impact to both the business owner and the City.
 5. Pursuant to CMC Section 9138.17(F)(1)(p) – Signage Standards: “Any deviations from the standards may be considered by the Planning Commission pursuant to an approved sign program.” The sign program will be consistent with the Zoning (“MU-CS” – Mixed Use – Carson Street) designation of the site and comply with the development and design standards with the Planning Commission approval of the requested deviations.

SECTION 3. The project is exempt from review under CEQA. Pursuant to State CEQA Guidelines Section 15061(b)(3), the proposed sign program will not have the potential to cause a significant effect on the environment and is therefore exempt from further environmental review; or alternatively is covered by CEQA’s ‘general rule’ that CEQA applies only to projects that have the potential for causing a significant effect on the environment.

The project meets all of the foregoing criteria. A Notice of Exemption shall be filed with the County Clerk of the County of Los Angeles pursuant to the California Environmental Quality Act.

SECTION 4. Sign Program No. 34-23 comply with the City’s Zoning Ordinance and General Plan and are consistent with the intent of Article IX, Chapter 1, Section 9138.17 (Mixed-Use – Carson Street) of the Carson Municipal Code.

SECTION 5. The Planning Commission of the City of Carson, pursuant to the findings set forth above, does hereby approve Sign Program No. 34-23, proposed signage deviations, for the new Rascals Teriyaki Grill restaurant at 205 E. Carson Street, subject to the Conditions of Approval contained in Exhibit “B,” attached hereto.

SECTION 6. This decision of the Planning Commission shall become effective and final 15 days after the date of the action unless an appeal is filed in accordance with Section 9173.4 of the Zoning Ordinance.

SECTION 7. The Secretary of the Planning Commission shall certify to the adoption of this Resolution.

PASSED, APPROVED and ADOPTED this 28th day of March 2023.

CHAIRPERSON

ATTEST:

SECRETARY

EXHIBIT "A"

LEGAL DESCRIPTION

Real property in the unincorporated area of the County of Los Angeles, State of California, described as follows:

PARCEL 1:

THE EAST 50 FEET OF THE WESTERLY 80 FEET OF THE SOUTHERLY 150 FEET OF LOT 20 OF TRACT NO. 3848, IN THE CITY OF CARSON, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 42 PAGES 68 AND 69 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

THE ABOVE DESCRIBED PROPERTY IS SHOWN AS A PORTION OF PARCEL NO. 1 ON THE LICENSED SURVEYOR'S MAP FILED IN BOOK 23 PAGE 50 RECORD OF SURVEYS IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

PARCEL 2:

THE EAST 50 FEET OF THE WESTERLY 130 FEET OF THE SOUTHERLY 150 FEET OF LOT 20 OF TRACT NO. 3848, IN THE CITY OF CARSON, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 42 PAGES 68 AND 69 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

THE ABOVE DESCRIBED PROPERTY IS SHOWN AS A PORTION OF PARCEL NO. 2 ON THE LICENSED SURVEYOR'S MAP FILED IN BOOK 23 PAGE 50 RECORD OF SURVEYS IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

PARCEL 3:

AN EASEMENT FOR INGRESS AND EGRESS OVER THE EASTERLY 10 FEET OF THE WESTERLY 140 FEET OF THE SOUTHERLY 150 FEET OF LOT 20 OF TRACT NO. 3848, IN THE CITY OF CARSON, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 42 PAGES 68 AND 69 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

APN: 7334-020-070

EXHIBIT 1A

**CITY OF CARSON
COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION**

**EXHIBIT "B"
CONDITIONS OF APPROVAL
SIGN PROGRAM NO. 34-23**

I. GENERAL CONDITIONS

1. If a building permit for Sign Program No. 34-23 is not issued within **two years** 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. 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. Developer 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. Developer shall comply with all city, county, state and federal regulations applicable to this project.
5. Any substantial project 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. A modification of these conditions, 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, or ordinance is violated, this permit may be revoked by the Planning Commission or City Council, as may be applicable; provided the Developer has been given written notice to cease such violation and has failed to do so for a period of thirty days.
9. Precedence of Conditions. If any of these Conditions of Approval alter a commitment made by the Developer 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.
10. 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.

11. 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 therefor, or work may cease on the Project.
12. Indemnification. The applicant, property owner, and tenant(s), for themselves and their successors in interest (“Indemnitors”), agree to defend, indemnify and hold harmless the City of Carson, its agents, officers and employees, and each of them (“Indemnitees”) from and against any and all claims, liabilities, damages, losses, costs, fees, expenses, penalties, errors, omissions, forfeitures, actions, and proceedings (collectively, “Claims”) against Indemnitees to attack, set aside, void, or annul any of the project entitlements or approvals that are the subject of these conditions, and any Claims against Indemnitees which are in any way related to Indemnitees’ review of or decision upon the project that is the subject of these conditions (including without limitation any Claims related to any finding, determination, or claim of exemption made by Indemnitees pursuant to the requirements of the California Environmental Quality Act), and any Claims against Indemnitees which are in any way related to any damage or harm to people or property, real or personal, arising from Indemnitors’ operations or any of the project entitlements or approvals that are the subject of these conditions. The City will promptly notify Indemnitors of any such claim, action or proceeding against Indemnitees, and, at the option of the City, Indemnitors shall either undertake the defense of the matter or pay Indemnitees’ associated legal costs or shall advance funds assessed by the City to pay for the defense of the matter by the City Attorney. In the event the City opts for Indemnitors to undertake defense of the matter, the City will cooperate reasonably in the defense, but retains the right to settle or abandon the matter without Indemnitors’ consent. Indemnitors shall provide a deposit to the City 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 attorneys’ fees, and shall make additional deposits as requested by the City to keep the deposit at such level. If Indemnitors fail to provide or maintain the deposit, Indemnitees may abandon the action and Indemnitors shall pay all costs resulting therefrom and Indemnitees shall have no liability to Indemnitors.

II. AESTHETICS

1. There shall be no deviation of the approved architectural design or details from the approved set of sign plans. Any alteration shall be first approved by the Planning Division.
2. Graffiti shall be removed from all areas within twenty-four (24) hours 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.).
3. The proposed project site shall be maintained free of debris, litter, and inoperable vehicles at all times. The subject property shall be maintained to present an attractive appearance to the satisfaction of the Planning Division.

III. LIGHTING

1. Developer shall provide adequate lighting for the parking areas.

2. All exterior lighting shall be provided in compliance with the standards pursuant to Section 9147.1 of the Zoning Ordinance.
3. 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.

IV. BUILDING AND SAFETY DIVISION

1. Applicant shall submit development plans for plan check review and approval.
2. Developer shall obtain all appropriate building permits and an approved final inspection for the proposed project.
3. Prior to issuance of building permit, proof of worker's compensation and liability insurance for Developer must be on file with the Los Angeles County Building and Safety Division.

V. ENGINEERING SERVICES DEPARTMENT – CITY OF CARSON

1. Any existing off-site improvements damaged during the construction shall be removed and reconstructed per City of Carson PW Standard Drawings and to the satisfaction of the City Engineer.
2. A construction permit is required for any work to be done in the public right-of-way.
3. Construction bond for all work to be done within the public right of way shall be submitted and approved by Engineering Division prior to issuance of permit by Engineering Division.
4. Proof of Worker's Compensation and Liability Insurance shall be submitted to the city prior to issuance of permit by Engineering Division.

VI. BUSINESS LICENSE

1. All parties involved in the subject project including but not limited to contractors and subcontractors are required to obtain a city business license per Section 6310 of the Carson Municipal Code.