



## CITY OF CARSON

### PLANNING COMMISSION STAFF REPORT

PUBLIC HEARING: August 25, 2009  
SUBJECT: Conditional Use Permit No. 740-09  
APPLICANT: Susan Mirzaie  
767 Nyes Place  
Laguna Beach, CA 92651  
REQUEST: To approve a Conditional Use Permit for shared parking to facilitate a dance studio and dance hall use in an existing multi-tenant commercial center in the CR-D (Commercial, Regional; Design Overlay) zone and within Redevelopment Project Area No. 4.  
PROPERTY INVOLVED: 860 East Carson Street

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#### COMMISSION ACTION

Concurred with staff  
 Did not concur with staff  
 Other

#### COMMISSIONERS' VOTE

AYE	NO		AYE	NO	
		Chairman Faletogo			Graber
		Vice-Chair Saenz			Park
		Brimmer			Schaffer
		Brown			Verrett
		Gordon			

***Item No. 11C***

## I. Introduction

### *Date Application Received*

- July 13, 2009

### *Applicant*

- Susan Mirzaie  
767 Nyes Place  
Laguna Beach, CA 92651

### *Property Owner*

- Carson Bonita Plaza, LLC  
2731 S. I-35 Service Road  
Moore, OK 73160

### *Project Address*

- 860 East Carson Street , Carson, CA 90745

### *Project Description*

- Proposed shared parking for a combined dance studio and dance hall use located in a 2,590 square-foot tenant space.
- The application includes the following:
  - Conditional Use Permit No. 740-09 for shared parking within a commercial multi-tenant center for a proposed dance studio use.
- The existing dance studio and dance hall business is relocating from another commercial center located at 441 East Carson Street.

## II. Background

### *History of Property*

- The property is developed with a multi-tenant commercial building consisting of approximately 29,500 square feet. The commercial building was built in 1989.

### *Previously Approved Discretionary Permits*

- Design Overlay Review No. 36-78: Approved in 1978 for a mobile home dealership
- Design Overlay Review No. 383-87: Approved in 1987 for the construction of a new 29,500 square foot commercial retail center
- Variance No. 251-87: Approved in 1987 for a reduced rear yard setback for a new commercial retail center



*Public Safety Issues*

- The Public Safety Department has not reported any current code enforcement cases associated with the proposed property or its existing location at 441 East Carson Street.

**III. Analysis**

*Location/Site Characteristics/Existing Development*

- The subject property is located at 860 East Carson Street, on the southwest corner of Carson Street and Bonita Street.
- The subject site consists of one L-shaped, multi-tenant, 29,500 square-foot commercial center and a restaurant building built in 1989.
- The lot is rectangular in shape with a lot area of 87,768 square feet.
- The existing commercial center is developed with 132 parking spaces.

*Zoning/General Plan/Redevelopment Area Designation*

- The subject property is zoned CR-D (Commercial, Regional; Design Review) and is compatible with surrounding uses, including adjacent properties to the north and west zoned CR-D and single family homes and Carnegie Middle School to the south and east zoned RS (Residential, Single-family).
- The zoning designation for the subject property is consistent with the General Plan Land Use designation of Regional Commercial.
- The subject property is located within Redevelopment Project Area No. 4.

*Proposed Use*

- There are numerous tenants within the commercial center which include retail, restaurants, and office (Exhibit No. 2). These tenants each have different parking demands and generate certain needs for parking spaces based upon their floor areas and principal uses.
- The following table summarizes the parking requirements applicable to the commercial center pursuant to Section 9162.21 of the Carson Municipal Code:

Principal Use	Off-Street Parking Required
Health and exercise salons, health spas, athletics clubs, exercise and dance studios.	1 space per 150 square feet of gross floor area.



Gymnasium, dance hall, skating rink, theater, night club, auditorium, lodge room, sports arena, stadium and other places of public assembly or entertainment.	1 space for each 3 fixed seats (or 4-1/2 linear feet of fixed bench) in the largest room or space for public assembly or entertainment. For the area within the largest room or space for public assembly or entertainment not covered by fixed seats or bench, the off-street parking required shall be 1 space for each 21 square feet of net floor area. There shall be a minimum of 10 parking spaces provided.
Dining and drinking establishments.	Areas used exclusively for entertainment shall have a parking requirement as indicated above. All other areas shall have a parking requirement of 1 space for each 100 square feet of gross floor area. There shall be a minimum of 10 parking spaces provided.
Offices, studios, retail sales and services and other general commercial activities not classified elsewhere.	1 space for each 300 square feet of gross floor area with a minimum of 5 parking spaces provided on each site for each use.

- The existing commercial center is developed with 132 parking spaces. The proposed dance studio / hall will be 2,590 square feet located at the southwest corner of the building. The daytime dance studio use would require 21 parking spaces if it operated individually; the nighttime dance hall use would require 123 parking spaces.
- A summary of the required parking for all of the tenants, as well as daily peak requirements, is listed in Exhibit No. 2.

The total number of parking spaces required for all of the uses onsite is 252. The total number of parking spaces available, according to the site plan submitted, is 132.

Based upon staff review of the information submitted by the applicant, it has been determined that there is an insufficient amount of parking to serve all of the tenants *if operating during the same business hours*. However, Carson Municipal Code (CMC) Section 9162.24(B), "Automobile Parking Spaces Required for Mixed Uses", states when two or more uses share a parking facility, and when demonstrated by a signed affidavit that the hours of their demand do



not substantially overlap, then the parking requirement may be reduced by the Planning Commission through the approval of a Conditional Use Permit.

However, based on further review of the information provided by the applicant, the required parking will exceed the parking provided at the following times (Exhibit No. 3):

- o Monday – 9 a.m. – 11 p.m.
- o Tuesday – 9 a.m. - 5:30 p.m., 7 a.m. - 11 p.m.
- o Wednesday – 9 a.m. - 5:30 p.m., 7 p.m. – 11 p.m.
- o Thursday – 9 a.m. - 6 p.m., 7 p.m. – 11 p.m.
- o Friday – 9 a.m. - 5:30 p.m., 7 p.m. – 11 p.m.
- o Saturday – 10 a.m. – 5 p.m., 7 p.m. – 11 p.m.
- o Sunday – 7 p.m. – 11 p.m.

To address the daytime parking shortage (Monday-Saturday; 9 a.m. – 6 p.m.):

- o A condition of approval will be included to limit the dance studio to private lessons for 8 people or less between 9 a.m. to 6 p.m., Monday to Saturday. It is staff's opinion that 8 students should be the maximum because a retail use in the same tenant space would require 9 parking spaces. The ninth space would be occupied by the instructor.
- o Another condition of approval would restrict special events at the dance studio from 9 a.m. to 6 p.m., Monday to Saturday.
- o Information provided by the applicant on "peak" operating hours (Exhibit No. 4), as observed by the tenants, shows reduced daytime parking demand as follows:
  - o From 12 p.m. to 2 p.m. on weekdays, Angelito's Market and U.S. Pizza do not operate at peak periods. In addition it can be assumed that the dance studio will not peak during the weekday lunch period. Therefore the parking demand during this period is expected to be reduced.
  - o From 2 p.m. to 4 p.m. on weekdays, Subway and DJ Bibingkahan do not operate at peak periods. Therefore the parking demands during this period will be reduced to a level that will meet parking provided.
  - o The peak hours for Subway, Family Nutrition, Angelito's Market, US Pizza and DJ Bibingkahan are primarily during the week. Therefore parking demands during the daytime on Saturdays will be reduced.

To address the nighttime parking shortage (Monday-Sunday; 7 p.m. – 11 p.m.):

- Based on Section 9162.21 (Parking Spaces required) of the Carson Municipal Code, 123 parking spaces are required for the proposed nighttime dance hall use. However, parking spaces, based on a proposed condition of approval establishing a maximum occupancy, as well as certain operational assumptions, can be calculated at a lower demand during nighttime hours.
  - A condition of approval is proposed to establish a maximum occupancy of 100 people for the proposed dance hall tenant space. Assuming there is an average of 2 people per one vehicle arriving to the dance hall, 50 parking spaces would be the demand. Based on this calculation with approved deviation, the maximum parking demand for the entire site would be less than the parking spaces required. Per code, a peak total of 183 parking spaces would be required from 7 p.m. to 11 p.m., Monday to Sunday while the recalculated demand would peak at 110 parking spaces during the same period. Staff anticipates that the project, even at night peak periods, will be able to provide adequate on-site parking since 132 spaces are provided.

Although the number of parking spaces would not meet the current requirements of the Municipal Code, the number of spaces that are provided would be sufficient according to the reduced parking rates approved by the Planning Commission and the maximum parking demands presented in the shared parking analysis. As the number of parking spaces provided exceeds the shared parking demand, the project would have adequate parking capacity that would result in a less than significant parking impact.

- To assure the center has adequate parking in the future, a condition of approval will be included that will require the applicant to provide an annual monitoring report for parking at the site. Another condition of approval will allow the Planning Commission to review and modify the shared parking CUP permit if complaints are received regarding parking at the site.

It should be noted that the shopping center would be required to have a shared parking CUP regardless of the dance studio / dance hall because of the number of restaurants currently operating.

#### *Applicable Zoning Ordinance Regulations*

The proposed shared parking CUP is subject to the approval of a development plan in accordance with the Conditional Use Permit (CUP) procedures as



provided in Section 9172.21 and subject to CMC Sections 9162.21 B. 8. (Off-Street Parking Requirements) and CMC Section 9162.24 B. (Automobile Parking Spaces Required for Mixed Uses).

*Required Findings: Conditional Use Permit No. 740-09*

Pursuant to Section 9172.21, Conditional Use Permit, the Planning Commission may approve the proposal only if the following findings can be made in the affirmative:

- a. The proposed use and development will be consistent with the General Plan.
- b. The site is adequate in size, shape, topography, location, utilities and other factors to accommodate the proposed use and development.
- c. There will be adequate street access and traffic capacity.
- d. There will be adequate water supply for fire protection.
- e. The proposed use and development will be compatible with the intended character of the area.

Pursuant to Section 9162.24 B. Automobile Parking Spaces Required for Mixed Uses, the Planning Commission may approve a shared parking use subject to the following requirements:

1. The applicant shall show evidence that there is no substantial conflict or overlap in the principal operating hours of the buildings or uses for which the shared parking facilities are proposed.
2. Any reduction in parking shall not decrease the total number of parking spaces below the level necessary to meet the collective peak parking demand for all participating uses.
3. Property owners involved in the joint use of off-street parking facilities shall submit an agreement for such use by a proper legal instrument approved by the Director as to form and content. Such instrument shall be submitted with the Conditional Use Permit Application. Such instrument, when approved as conforming to the provisions of this Section, shall be recorded in the office of the County Recorder with thirty (30) days of Commission approval, and copies of said recorded document filed with the Planning Division.
4. The Commission shall make a finding that there is adequate parking available for all affected lots, parcels and uses located thereon.



All of the required findings pursuant to Section 9172.21(d), "Conditional Use Permit, Approval Authority and Findings and Decision", and Section 9162.24 B. "Automobile Parking Spaces Required for Mixed Uses", can be made in the affirmative, if conditions of approval are implemented. Specific details regarding the applicable findings are incorporated in the attached resolution.

*Issues of Concern: Zoning Requirements / Conditional Use Findings*

After careful review and analysis of the proposed dance studio / dance hall use, the following analysis with solutions have been identified:

- Issue – Adequate Parking Available: Pursuant to Section 9162.24 (B), Automobile Parking Spaces Required for Mixed Uses: The applicant shall show evidence that there is no substantial conflict or overlap in the principal operating hours of the buildings or uses for which the shared parking facilities are proposed.
  - *Mitigation:* The applicant shall submit a legal instrument approved by the Director as to form and content that shows evidence that there is no substantial conflict or overlap in the principal operating hours of the buildings or uses for which the shared parking facilities are proposed.
  - *Mitigation:* Uses designated as "food take-out only" shall be limited to a maximum of two tables and four chairs. The Planning Division will have the right to review and approve the customer space layout for all "food take-out only" uses.
- Issue – Landscaping: Staff inspected the site and noted areas where landscaping was lacking.
  - *Mitigation:* The applicant shall maintain the existing interior landscaping to the extent feasible.
- Issue – Signs: Staff's inspection of the site revealed damaged wall signs, illegal signs and increased window signs.
  - *Mitigation:* The existing wall signs in disrepair shall be properly maintained. In addition, existing "A"-frame signs are not allowed per Municipal Code requirements and shall be removed. Window signs shall be limited to 20% of the total window area.
- Issue – Design Overlay Review No. 383-87 and Variance No. 251-87: Previous permits were approved in 1987 for a commercial retail center.
  - *Mitigation:* The current proposal will also be subject to the conditions of Design Overlay Review No. 383-87 and Variance No. 251-87 (Exhibit No. 5).

**IV. Environmental Review**

Pursuant to Section 15301(e) "Existing Facilities" of the California Environmental Quality Act (CEQA), the proposed shared parking to facilitate a dance studio use





on an existing developed regional commercial parcel does not have the potential for causing a significant effect on the environment and is found to be exempt.

**V. Recommendation**

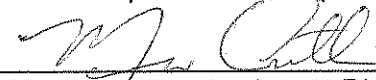
That the Planning Commission:

- **APPROVE** Conditional Use Permit No. 740-09, subject to the conditions of approval attached as Exhibit "B" to the Resolution; and
- **WAIVE** further reading and **ADOPT** Resolution No.\_\_\_\_\_, entitled "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON APPROVING CONDITIONAL USE PERMIT NO. 740-09 FOR SHARED PARKING TO FACILITATE A DANCE STUDIO AND DANCE HALL USE LOCATED AT 860 EAST CARSON STREET."

**VI. Exhibits**

1. Zoning Map
2. Table - Parking Requirements, Totals, Daily Peaks and Provided – Carson Bonita Plaza
3. Table – Parking Requirements by the Hour – Carson Bonita Plaza
4. Letter dated August 12, 2009 – Carson Bonita Plaza Peak Operating Hours
5. Resolution No. 87-996 – Design Overlay Review No. 383-87 and Variance No. 251-87
6. Proposed Resolution
7. Proposed Development Plans (submitted under separate cover)

Prepared by:

  
Max Castillo, Assistant Planner

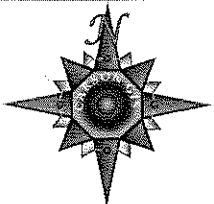
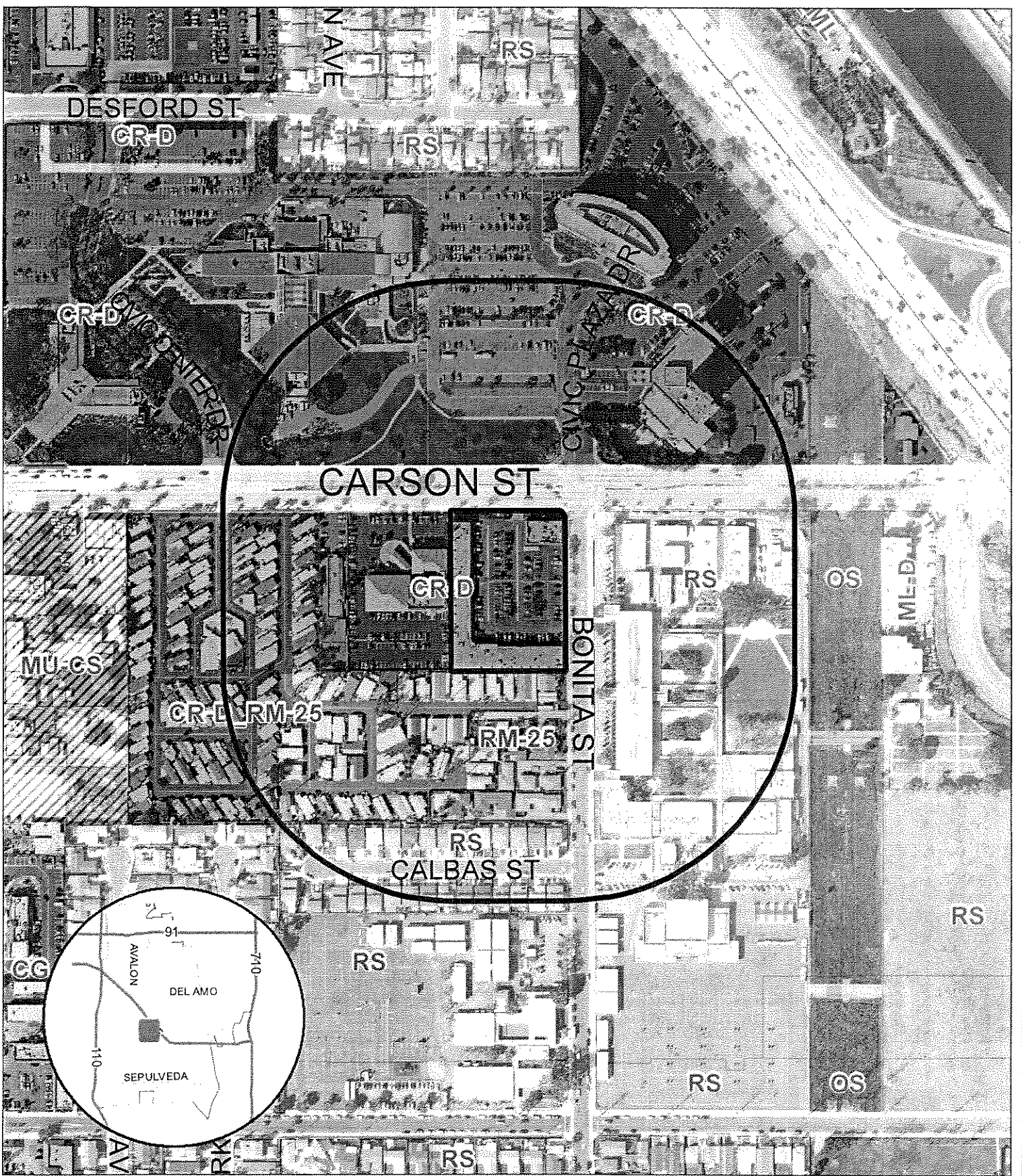
Reviewed by:

  
John F. Signo, AICP, Senior Planner

Approved by:

  
Sheri Repp, Planning Officer





City of Carson  
 500 Foot Radius Map  
 860 E Carson St

Exhibit 1



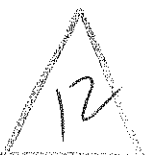
Parking Requirements, Totals, Daily Peaks and Provided  
 CARSON-CARSON BONITA PLAZA

UNIT	TENANT NAME	Type of Business	Hours of Operation	UNIT SF	Spaces Req'd
101	SUBWAY	Deli	7 am - 11pm Mon.-Sun.	1323	13
102	US DONUTS	Donut Shop	6am to 6pm Mon.-Sun.	860	3
103	Direct Dish Network	Satellite dish store	8:30 am to 6pm Mon.-Sat. closed on Sun.	860	3
104	SLIM CONCEPT	doctor office	8:30am to 6:30pm Mon.-Fri. closed on sat. & Sun.	860	3
105	ASIAN CREAMERY	Ice cream shop	7 am to 6pm Mon.-Sat. closed on Sun.	860	3
106	DR TOLENTINO - DENTIST	Dentist Office	10am to 7pm thur. Fri. 10am-5pm sat. closed on Sun. Mon. Tue. Wed.	860	3
107	OPTOMETRIST	Optometrist Office	10am to 6pm Mon.-Sat. closed on Sun.	860	3
108-09	WIC	Public health Foundation	9:15am to 5:30pm Mon.-sat. closed on Sun.	1720	6
110	PACIFIC REMITTANCE SERVICES	Remittance office	10am to 4:30pm Mon.-Fri. 9am-3pm sat. closed on Sun.	860	3
111	VACANT		9am-5pm Mon-Fri 10am-3pm Sat. Closed on sun.	860	3
112	FAMILY NUTRITION	Public Family Nutrition	8am to 7:30pm mon.-fri 10am-4pm sat. closed on Sun.	1050	4
112 1/2	VACANT	dance studio	9am -6pm mon-sun. 7pm-12pm mon-thur. & Sun. 7pm-1am Fri&sat.	1250	21
113	VACANT	dance studio	9am -6pm mon-sun. 7pm-12pm mon-thur. & Sun. 7pm-1am Fri&sat.	1340	123
114	Sumbody	Body shaper retail	9am-5pm Mon-Fri 10am-3pm Sat. Closed on sun.	925	3
115	ELLA HAIRS	Hair salon	9am to 6pm Tue.-Sun. closed on Mon.	2000	7
116	ANGELITOS MARKET	Market	8am to 8pm Mon.- sat. 10 am- 7pm Sun.	1120	4
117	JB'S BAKERY	Bakery	7am to 7pm mon.-sat. 10am-6:30 sun.	1120	4
118	UNIFORM KINGDOM	Uniform Store	9 am to 5pm mon.-sat. closed on Sun.	1120	4
119	FARMERS INSURANCE	Insurance Agent	9 am to 6pm mon-fri 10am-12pm sat. closed on Sun.	1120	4
120	US PIZZA	Pizza	11am to 10pm Mon.to Sun.	1008	3
121	A D RESTAURANT	Restaurant	9am to 7pm mon-sat. 9am-4pm sun.	2052	21
124	D.J.BIBIGKAHAN RESTAURANT	Restaurant	7am to 9pm mon-sun	3600	36
	unleasable area	n/a	n/a	400	
	TOTAL Sq Feet			28028	
	TOTAL Parking Spaces Req'd				252
	Daily Peak		Sunday		175
			Monday		144
			Tuesday		183
			Wednesday		183
			Thursday		183
			Friday		183
			Saturday		179
	Total Spaces Provided				132

Exhibit 2

Parking Requirements by the Hour  
CARSON-CARSON BONITA PLAZA

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
6A-7	3	3	3	3	3	3	3
7A-8	59	59	59	59	59	59	52
8A-8:30	67	67	67	67	67	63	52
8:30A-9	73	73	73	73	73	66	52
9A-10	135	142	142	142	142	128	101
10A-11	141	148	148	151	151	148	109
11A-12P	144	151	151	154	154	151	112
12P-3	144	154	154	154	154	147	112
3P-4	144	154	154	154	154	144	112
4P-4:30	144	154	154	154	154	140	91
4:30P-5	141	148	148	151	151	140	91
5P-5:30	131	138	138	141	138	127	91
5:30P-6	125	132	132	135	132	121	91
6P-6:30	88	88	88	91	91	81	60
6:30P-7	85	85	85	88	88	81	56
7P-7:30	183	183	183	183	183	179	175
7:30P-8	179	179	179	179	179	179	175
8P-9	175	175	175	175	175	175	175
9P-10	139	139	139	139	139	139	139
10P-11	136	136	136	136	136	136	136
11P-12A	123	123	123	123	123	123	123
12A-1					123	123	
Total Parking Provided			132				



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2731 S. I-35 Service Road  
Moore, OK 73160  
Ph: (405) 366-0000  
Fax: (405)703-4334

# *Kingsdale Properties, LLC*

August 12, 2009

RE: Carson Bonita Plaza  
Peak Operating Hours

Kingsdale Properties, LLC has been the management company for Carson Bonita Plaza, Carson, California for the past four years. Based on our most recent observations of the following tenants, these are their "peak" operating hours:

### "Peak" Operating Hours

Subway	lunch time	Weekdays
Family Nutrition	12pm-3pm	Weekdays
Dance Studio	Don't know	
Angelitos Market	2pm-4pm	Weekdays
US Pizza	2pm-3:30	Weekdays
DJ Bibigkahan	Lunch time and dinner time	Weekdays

Sincerely,

Susan Mirzaie/Nemovi  
Property Manager  
310-513-1670

Exhibit No. 4

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CITY OF CARSON  
PLANNING COMMISSION  
RESOLUTION NO. 87-996

A RESOLUTION OF THE PLANNING COMMISSION  
OF THE CITY OF CARSON GRANTING  
VARIANCE NO. 251-87 AND  
DESIGN OVERLAY REVIEW NO. 383-87

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

SECTION 1. An application was duly filed by I.A.N. Development, with respect to real property described in Exhibit "A" attached hereto, requesting a variance from Section 9136.25 of the Carson Municipal Code to permit the construction of a new 29,500 square foot commercial retail center in the CR-D (Commercial, Residential - Design Overlay Review) zoned district and seeking approval of Design Overlay Review No. 383-87. A public hearing was held on June 23, 1987, at 7:00 P.M., in the Council Chambers, City Hall, 701 East Carson Street, Carson, California; and that a notice of the time, date, place and purpose of the aforesaid hearing was duly given.

SECTION 2. Evidence, both written and oral, was duly presented to and considered by the Planning Commission at the aforesaid public hearing.

SECTION 3. The Planning Commission finds, pursuant to Section 9177.22 of the Carson Municipal Code, that:

1) The subject property is currently zoned CR-D (Commercial, Regional - Design Overlay Review) and is vacant. The proposed use is consistent with the General Plan of the City of Carson which designates the subject property for Regional Commercial uses.

2) The request is for the construction of a new 29,500 square foot commercial retail complex consisting of two buildings.

3) The request is for a variance from Section 9136.25 of the Zoning Ordinance which requires a minimum 10 foot rear yard setback when commercial properties abut residential properties. By providing the 10 foot building setback on the south property line, an alley effect will be created that provides an area adjacent to a school that is not visible from the public street and that will serve no purpose other than a trash area on the property. Due to the location of the project, a variance is proper. An obscured alley-type area may provide a place of illicit activities, such as drug sales that would directly affect the health, safety and welfare of the children attending the nearby school.

4) The adjacent properties are zoned and developed as follows: to the north and west the properties are zoned CR-D (Commercial, Residential - Design Overlay Review) and contain a mobilehome park, commercial uses and the Civic Center; to the east in the RS (Residential, Single-family) zone is Carnegie Jr. High School; to the south is RM (Residential, Multi-family) and RS zoned properties developed with the residential uses.

SECTION 4. The Planning Commission further finds that the proposed variance will not have a significant effect on the environment as indicated in the Negative Declaration prepared for this project. The project will not alter the character of the surrounding neighborhood.

SECTION 5. Based on the aforementioned findings, the Commission hereby grants Variance No. 251-87 and approves Design Overlay Review No. 383-87 with respect to the property described in Section 1 hereof, subject to the conditions set forth in Exhibit "B" attached hereto and adopts the negative declaration.

SECTION 6. The Secretary shall certify to the adoption of this resolution and shall transmit copies of the same to the applicant and to the City Clerk.

SECTION 7. This action shall become final and effective fifteen (15) 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 23RD DAY OF JUNE, 1987

*Frank Gutierrez*  
CHAIRMAN

ATTEST:  
*Louise M. Szele*  
SECRETARY

EXHIBIT NO. 5

81627



AGREEMENT ACCEPTING CONDITIONS  
OF CITY OF CARSON PLANNING  
COMMISSION RESOLUTION NO. 87-996

For and in consideration of the grant by the City of  
Carson of Design Overlay Review No. 383-87 &  
Variance No. 251-87, the undersigned, I.A.N.  
Development do(es) hereby agree to all conditions set forth in  
Planning Commission Resolution No. 87-996, approved and adopted by  
the Planning Commission of the City of Carson on June 23, 1987  
with respect to real property owned by the undersigned and  
described in Exhibit "A" of the attached said Planning Commission  
Resolution.

This agreement shall run with the land and shall bind  
upon Declarant, its successors and assigns, and any future owners,  
encumbrancers and their successors or assigns, and shall continue  
in effect until otherwise released by the authority of the relevant  
agency of the City of Carson or until such time as the Municipal  
Code of the City of Carson unconditionally permits the release of  
this Agreement. Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.  
By \_\_\_\_\_

STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_

On \_\_\_\_\_ before me, the undersigned, a Notary Public in and  
for said state, personally appeared \_\_\_\_\_ known to me to be  
the person \_\_\_\_\_ whose name \_\_\_\_\_ subscribed to the within  
instrument and acknowledged that \_\_\_\_\_ executed the same.

WITNESS my hand and official seal.  
Signature \_\_\_\_\_  
Name (Typed or Printed) \_\_\_\_\_

87-1081627



CONDITIONS OF APPROVAL

DESIGN OVERLAY REVIEW NO. 383-87

6

VARIANCE NO. 251-87

BUILDING AND SAFETY

1. A parapet must be provided for the wall at the westerly property line. The parapet must extend thirty (30) inches above the roof and mansard.
2. The applicant should be aware that the yard south of the building does not comply with Building Code requirements for an exit court. This yard shall not be used as a required exit for any tenant space. It will be difficult to provide complying exiting for the space at the southwest corner of the building.

COUNTY SANITATION DISTRICTS OF LOS ANGELES COUNTY

3. The Sanitation Districts are empowered by the California Health and Safety Code to charge a fee for the privilege of connecting to the Sanitation Districts' Sewerage System. This connection fee is required to construct an incremental expansion of the sewerage system to accommodate the proposed project which will mitigate the impact of this project on the present sewerage system. Payment of a connection fee will be required before a permit to connect to the sewer is issued.

COMMUNITY DEVELOPMENT DEPARTMENT - CITY OF CARSON

4. That approvals are based on plot plan and building elevations labeled C-1 and D-1, respectively. The final appearance and location of structures shall substantially comply with Exhibits C-1 and D-1.
5. That all buildings, grounds, parking areas and landscaping, shall be maintained in a neat and orderly manner at all times.
6. Self-closing gates shall be installed on the trash enclosure.
7. Mounded landscaping in planters adjacent to the street shall be a minimum of 36" high.
8. The design overlay review and variance shall become null and void if not exercised within one (1) year of the date of approval by the Planning Commission. Requests for extension of time beyond one (1) year shall be reviewed by the Planning Commission.
9. That the applicant shall comply with all City, County, State and Federal regulations.
10. That the applicant shall file an Affidavit of Acceptance with the Community Development Department within thirty (30) days of the Planning Commission's Resolution. The applicant shall record said Affidavit and these conditions of approval with the Office of the Los Angeles County Recorder, and proof of such recordation shall be submitted to the Community Development Department within (30) days of receipt of the Planning Commission Resolution.
11. That if any condition hereof is violated or if any law, statute, or ordinance is violated, the permit shall lapse, provided the applicant has been given written notice to cease such violation and has failed to do so for a period of thirty (30) days.
12. A flat textured pavement shall be used to indicate pedestrian flow throughout the project, and shall be continuous across the parking lot. Color and specific material subject to Community Development Director approval.
13. Applicant shall keep all walls free graffiti, and shall remove graffiti at anytime at the City's request.
14. The project shall be limited to signage that conforms with the following standards.

Center Identification

One monument sign not to exceed a 4 foot vertical measurement. Said sign shall be constructed of a solid material. A sign with a plastic face shall not be permitted. The sign shall not exceed 24' square feet in total and shall be limited to the center name and address only.

87-1081627





Tenant Signs

Individual tenant signs shall be limited to:

15 square foot of sign area per store frontage, sign shall not exceed 70% of canopy area above the store.

All signs shall utilize similar lettering style and materials and shall be individual channel letter signs as shown on Exhibit C-1.

Tenant signs shall be limited to tenant name and logo only.

All signs shall be placed on the front elevations of buildings, limited to one per front store elevation except: The satellite building and the store adjacent to Carson Street shall be permitted two (2) tenant signs.

15. All vehicular areas shall be resurfaced and striped to City standards.
16. That the applicant shall incorporate planter boxes or ceramic pots adjacent to store fronts.
17. Irrigation system shall be controlled by an automatic time clock set for early morning.
18. Interlocking Pavers or a similar flat surfaced textured material shall be used in the driveway entrance areas adjacent to Carson Street and Bonita Street.
19. The truck loading areas shall be properly marked.
20. That the applicant shall comply with all City, County, State and Federal regulations.

PUBLIC WORKS DEPARTMENT - CITY OF CARSON

21. Developer shall provide all required drainage facilities.
22. All on-site drainage to the public street must be carried via parkway drains or catch basin tie-ins where available. No water will be allowed to flow over the parkway.
23. Carson Street requires the following improvements:
  - o One (1) Case 4 drive approach (W=26')
  - o Approximately 50 L.F. of curbe and gutter to close existing drive approach and damaged sections.
  - o Approximately 400 S.F. of sidewalk for drive approach closure and repair of damaged sections.
  - o Two (2) parkway drains.
24. Bonita Street requires the following improvements:
  - o One (1) Case 4 drive approach (W=26')
  - o Approximately 35 L.F. of curb and gutter to close existing drive approach and damaged sections.
  - o Approximately 350 S.F. of sidewalk for drive approach closure and damaged sections.
  - o One (1) catch basin tie-in.
25. Prior to the issuance of a building permit the following must be on file with the Public Works Department.
  - A) Certificate of Workers Compensation.
  - B) Construction permit for work in the public right-of-way.
  - C) Three (3) copies of a plot and drainage plan.
  - D) Cash bond for the sum of \$8,000.

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DEPARTMENT OF PUBLIC WORKS - LOS ANGELES COUNTY

26. Information shall be provided to this office on the disposal and/or treatment of the waste generated by the facilities. Any new facility which generates hazardous waste shall be required to provide for management of such waste.
27. Prior to any industrial waste sewer discharges from the proposed developments, approval must be given by the Waste Management Division of this Department. In addition, Industrial Waste Disposal Permits (IWDP) may also be required.
28. This project shall comply with all the requirements of the newly enacted Hazardous Materials Release Response Plan Inventory, AB2185 and 2187.

87-1081627



CITY OF CARSON  
PLANNING COMMISSION  
RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON APPROVING CONDITIONAL USE PERMIT NO. 740-09 FOR SHARED PARKING TO FACILITATE A DANCE STUDIO AND DANCE HALL USE LOCATED AT 860 EAST CARSON 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, Susan Mirzaie, with respect to real property located at 860 East Carson Street, and described in Exhibit "A" attached hereto, requesting the approval to facilitate a dance studio and dance hall use in an existing multi-tenant commercial center in the CR-D (Commercial, Regional; Design Overlay) zone and within Redevelopment Project Area No. 4. The application includes:

- Conditional Use Permit (CUP) for parking facilities that are shared by two or more uses and whose hours of demand do not substantially overlap (CMC Section 9162.24.F.).

A public hearing was duly held on August 25, 2009, at 6:30 P.M. at City Hall, Council Chambers, 701 East Carson Street, Carson, California. Notices of time, place and purpose of the aforesaid meeting were duly given. Evidence, both written and oral, was duly presented to and considered by the Planning Commission at the aforesaid hearings.

**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 General Plan designates the property as Regional Commercial which is compatible with the proposed use. The proposed use will be consistent with the surrounding commercial and residential uses, including adjacent properties to the north and west zoned CR-D and single family homes and Carnegie Middle School to the south and east zoned RS (Residential, Single-family), and is appropriate for the subject property as proposed, subject to the conditions of approval.
- b) The site is adequate in size, shape, topography, location, utilities, and other factors to accommodate the proposed use and development. The surrounding land uses are commercial and residential and the proposed project is compatible with those uses. The developed site is 2 acres in size, and is flat. The project will require shared parking in order to comply with the CMC.
- c) Safety and convenience of vehicular and pedestrian access is provided with one driveway on Bonita Street and one driveway on Carson Street. Bonita Street is a collector street that can accommodate the proposed development. Adequate interior vehicular and pedestrian circulation will be provided.



- e) Appropriate conditions of approval are associated with the development to ensure that the project will be served by adequate fire protection including adequate street access, driveway width, fire hydrants, and fire flow.
- f) The proposed use and development will be compatible with the intended character of the area.
  - The proposed use will be consistent with the surrounding commercial and residential uses, and is appropriate for the subject property as proposed, subject to the conditions of approval. Therefore, the proposed development will be compatible with the intended character of the area.
  - Previous permits were approved in 1987 for a commercial retail center. The current proposal will also be subject to the conditions of Design Overlay Review No. 383-87 and Variance No. 251-87.
- g) Based on the operating hours and days of each of the tenants, required parking exceeds the parking provided at the following times:
  - Monday – 9 a.m. – 11 p.m.
  - Tuesday – 9 a.m. - 5:30 p.m., 7 p.m. – 11 p.m.
  - Wednesday – 9 a.m. - 5:30 p.m., 7 p.m. – 11 p.m.
  - Thursday – 9 a.m. – 6 p.m., 7 p.m. – 11 p.m.
  - Friday – 9 a.m. - 5:30 p.m., 7 p.m. – 11 p.m.
  - Saturday – 10 a.m. – 5 p.m., 7 p.m. – 11 p.m.
  - Sunday – 7 p.m. – 11 p.m.

Based on information provided by the applicant of peak demand hours, the anticipated parking demand during daytime hours are as follows:

- Because retail use in the same tenant space would require 9 parking spaces (including the instructor), a maximum of 8 students would be allowed at the dance studio at any given time for private lessons. A condition of approval will be included to limit the dance studio to private lessons for 8 people or less between 9 a.m. to 6 p.m., Monday to Saturday.
- A condition of approval will be included to restrict special events at the dance studio during the daytime hours of 9 a.m to 6 p.m., Monday to Saturday.

Based on a condition of approval establishing a maximum occupancy of 100 people for the dance hall use, and certain operational assumptions, parking can be calculated at a lower demand during nighttime hours:

- A condition of approval shall establish a maximum occupancy of 100 people for the proposed dance hall tenant space. Assuming there is an average of 2 people per one vehicle arriving to the dance hall, 50 parking spaces would be the demand. Based on this calculation with approved deviation, the maximum parking demand for the entire site would be less than the parking spaces required. Per code, a peak total of 183 parking



spaces would be required from 7 p.m. to 11 p.m., Monday to Sunday while the re-calculated demand would peak at 110 parking spaces during the same period. The project, at night peak periods, will be able to provide adequate on-site parking since 132 spaces are provided.

To assure the center has adequate parking in the future, a condition of approval will be included that will require the applicant to provide an annual monitoring report for parking at the site. Another condition of approval will allow the Planning Commission to review and modify the shared parking CUP permit if complaints are received regarding parking at the site.

A condition of approval shall require the applicant to submit a legal instrument approved by the Director as to form and content that shows evidence that there is no substantial conflict or overlap in the principal operating hours of the buildings or uses for which the shared parking facilities are proposed.

- Uses designated as " food take-out only" shall be limited to a maximum of two tables and four chairs. The Planning Division will have the right to review and approve the customer space layout for all "food take-out only" uses.

The total number of parking spaces available is 132 and peak parking demand for any day of the week will not exceed the 132 parking spaces provided at the site. The number of spaces that are provided would be sufficient according to the reduced parking rates approved by the Planning Commission and the maximum parking demands presented in the shared parking analysis. As the number of parking spaces provided exceeds the shared parking demand, the project would have an adequate parking capacity and would result in a less than significant parking impact, subject to the conditions of approval.

- h) The proposed shared parking conditional use permit meets the goals and objectives of the General Plan and is consistent with applicable zoning and design regulations. Therefore all of the required findings pursuant to Section 9162.24(B), "Automobile Parking Spaces Required for Mixed Uses" and Section 9172.21(D), "Conditional Use Permit" are made in the affirmative.

**Section 4.** The Planning Commission further finds that the use permitted by the proposed Conditional Use Permit No. 740-09 will not have a significant effect on the environment. The existing facility will not alter the predominantly character of the surrounding area and meets or exceeds all City standards for protection of the environment. Therefore, the proposed project is found to be categorically exempt under Section 15301(e) "Existing Facilities" of the California Environmental Quality Act (CEQA).

**Section 5.** Based on the aforementioned findings, the Commission hereby grants Conditional Use Permit No. 740-09 with respect to the property described in Section 1 hereof, subject to the conditions and plans set forth in Exhibit "B" respectively 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 25<sup>th</sup> DAY OF AUGUST, 2009**

**ATTEST:**

\_\_\_\_\_  
**CHAIRMAN**

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



## EXHIBIT "A"

### Legal Description

The East 255.00 feet of Lot 1 of Tract 4546, in the City of Carson, County of Los Angeles, State of California, as per map recorded in Book 50, Pages 21 and 22 of Maps, in the office of the County Recorder of said County.

EXCEPT therefrom the Northerly 20.00 feet, conveyed to the County of Los Angeles, by deed recorded April 5, 1968 as Instrument No. 3713, in Book D3962, Page 877, Official Records.

ALSO EXCEPT therefrom that portion thereof within the following described boundaries:

Beginning at the Southeastery corner of said Lot; thence Westerly along the Southerly line of said Lot, a distance of 1.00 feet to the Westerly line of the Easterly 5 feet of said Lot; thence Northerly along said Westerly line to the beginning of a curve concave to the Southwest, having a radius of 19 feet, tangent to said Westerly line and tangent to the Southerly line of the Northerly 20 feet of said Lot; thence Northwestery along said curve 29.36 feet to said last mentioned Southerly line; thence Easterly along said last mentioned Southerly line to the Easterly line of said Lot; thence Southerly along said Easterly line to the point of beginning, as conveyed in the above mentioned deed.

EXCEPT therefrom an undivided 1/2 interest in and all oil, gas, minerals and other hydrocarbon substances in and under said land below a depth of 500 feet, but without the right of surface entry thereto, as reserved by Margaret B. Burch in deed recorded November 21, 1972 as Instrument No. 330, Official Records.

ALSO EXCEPT the remainder of interest in and to all oil, gas minerals and other hydrocarbon substances in and under said land below a depth of 500 feet, but without right of surface entry thereto, as reserved by Horowitz Kling Development Company in deed recorded March 26, 1975 as Instrument No. 3530, Official Records.



CITY OF CARSON  
DEVELOPMENT SERVICES  
PLANNING DIVISION  
EXHIBIT "B"

CONDITIONAL USE PERMIT NO. 740-09

GENERAL CONDITIONS

1. If a business license permit for said use is not issued within one year of the date of approval of Conditional Use Permit No. 740-09, said permit shall be declared null and void unless an extension of time is requested prior to expiration and 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 to be included with any development plans for the proposed use. Said copies shall be included in all development plan submittals, including any revisions and the final working drawings.
3. The applicant shall comply with all city, county, state and federal regulations applicable to this project.
4. The applicant shall make any necessary site plan and design revisions to the site plan and elevations approved by the Planning Commission in order to comply with all the conditions of approval and applicable Zoning Ordinance provisions. Substantial revisions will require review by the Planning Commission.
5. The applicant and property owner shall sign an Affidavit of Acceptance form and submit the document to the Planning Division within 30 days of receipt of the Planning Commission Resolution.
6. All buildings, grounds, parking areas and landscaping shall be maintained in a neat and orderly manner at all times.
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, or complaints are received regarding parking at the site, this permit may be revoked by the Planning Commission, 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. 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 Conditional Use Permit No. 740-09. The City will promptly notify the Applicant of any such claim, action, or proceeding against the City and the Applicant will either undertake defense of the matter and pay the City's associated legal costs or will advance funds to pay for defense of the matter by the City Attorney. The City will cooperate fully in the defense. Notwithstanding the foregoing, the City retains the right to settle or abandon the matter without the Applicant's consent but should it do so, the City shall waive the indemnification herein, except, the City's decision to settle or abandon a matter following an adverse judgment or failure to appeal, shall not cause a waiver of the indemnification rights herein.

### PARKING

11. The required parking shall meet all applicable standards as outlined in the Carson Municipal Code, except as conditioned by the conditional use permit.
12. All parking areas and driveways shall remain clear. No encroachment into parking areas and/or driveways shall be permitted.
13. Compact spaces shall be properly designated pursuant to Section 9162.43 of the Zoning Ordinance.
14. Parking spaces shall be provided with perimeter guards as provided in Section 9162.55 of the Zoning Ordinance.
15. Parking spaces shall be identified (marked) as provided in Section 9162.56 of the Zoning Ordinance.
16. The hours of operation shall comply with the following Table No. 1. Modifications to Table No. 1, including changes in use, shall require review and approval by the Planning Division. Substantial modifications, as determined by the Planning Division, shall require review and approval by the Planning Commission:



Table No. 1 – Shopping Center Tenants

UNIT	TENANT NAME	Type of Business	Hours of Operation	UNIT SF
101	SUBWAY	Deli	7 am - 11pm Mon.-Sun.	1323
102	US DONUTS	Donut Shop – food take-out only	6am to 6pm Mon.-Sun.	860
103	Direct Dish Network	Satellite dish store	8:30 am to 6pm Mon-Sat. closed on Sun.	860
104	SLIM CONCEPT	doctor office	8:30am to 6:30pm Mon.-Fri. closed on sat.&Sun.	860
105	ASIAN CREAMERY	Ice cream shop – food take-out only	7 am to 6pm Mon.-Sat. closed on Sun.	860
106	DR TOLENTINO - DENTIST	Dentist Office	10am to 7pm thur. Fri. 10am-5pm sat. closed on Sun. Mon. Tue. Wed.	860
107	OPTOMETRIST	Optometrist Office	10am to 6pm Mon.-Sat. closed on Sun.	860
108-109	WIC	Public health Foundation	9:15am to 5:30pm Mon.-sat. closed on Sun.	1720
110	PACIFIC REMITTANCE SERVICES	Remittance office	10am to 4:30pm Mon.-Fri. 9am-3pm sat. closed on Sun.	860
111	VACANT		9am-5pm Mon-Fri 10am-3pm Sat. Closed on sun.	860
112	FAMILY NUTRITION	Public Family Nutrition	8am to 7:30pm mon.-fri 10am-4pm sat. closed on Sun.	1050
112 ½	VACANT	dance studio / dance hall	9am -6pm mon-sun. (dance studio); 7pm-12pm mon-thur. & Sun. 7pm-1am Fri&sat. (dance hall)	1250
113	VACANT	dance studio / dance hall	9am -6pm mon-sun. (dance studio); 7pm-12pm mon-thur. & Sun. 7pm-1am Fri&sat. (dance hall)	1340
114	Sumbody	Body shaper retail	9am-5pm Mon-Fri 10am-3pm Sat. Closed on sun.	925
115	ELLA HAIRS	Hair salon	9am to 6pm Tue.-Sun. closed on Mon.	2000
116	ANGELITOS MARKET	Market	8am to 8pm Mon.- sat. 10 am- 7pm Sun.	1120
117	JB'S BAKERY	Bakery – food take-out only	7am to 7pm mon.-sat. 10am-6:30 sun.	1120
118	UNIFORM KINGDOM	Uniform Store	9 am to 5pm mon.-sat. closed on Sun.	1120
119	FARMERS INSURANCE	Insurance Agent	9 am to 6pm mon-fri 10am-12pm sat. closed on Sun.	1120
120	US PIZZA	Pizza – food take-out only	11am to 10pm Mon.to Sun.	1008
121	A D RESTAURANT	Restaurant	9am to 7pm mon-sat. 9am-4pm sun.	2052
124	D.J.BIBINGKAHAN RESTAURANT	Restaurant	7am to 9pm mon-sun	3600
	unleasable area	n/a	n/a	400

17. The applicant shall submit a legal instrument approved by the Director as to form and content that shows evidence that there is no substantial conflict or overlap in the principal operating hours of the buildings or uses for which the shared parking facilities are proposed.
18. Changes to the commercial tenant uses shall warrant review and approval by the Planning Division for compliance with the shared parking requirements if those uses exceed the parking requirement for general commercial. The applicant shall submit an updated table showing hours of operation table to the Planning Division in the event a more intense use is proposed. The updated table shall be submitted no later than 30 days after the modification of such use. The Planning Division shall review commercial tenancy changes to ensure that hours of operations between tenants in the development do not substantially overlap as to



create a parking impact. Substantial changes in tenancy shall warrant review and approval by the Planning Commission.

19. The dance studio use shall limit private lessons for 8 people or less between 9 a.m. to 6 p.m., Monday to Saturday.
20. Special events involving public assembly or entertainment shall be prohibited at the dance studio between 9 a.m. to 6 p.m., Monday to Saturday.
21. An annual monitoring report describing parking demand shall be submitted to the Planning Division to ensure adequate parking for the site.
22. Uses designated as "food take-out only" as listed in Condition No. 16 shall be limited to a maximum of two tables and four chairs. The Planning Division will have the right to review and approve the customer space layout for all "food take-out only" uses.
23. Customer tables and chairs shall not be permitted in those uses designated for food take-out only.

#### LANDSCAPING/IRRIGATION

24. Installation, maintenance, and repair of all landscaping shall be the responsibility of the property owner.

#### GRAFFITI LANDSCAPING

25. The applicant shall incorporate additional landscaping to screen and block specific project areas that could be subject to graffiti, as determined by the Planning Division.
26. Graffiti shall be removed from all project areas within three (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.).

#### SIGNS

27. Identification signs shall conform to the requirements of the sign program and shall be adequately maintained. Illegal signs, per Section 9167.3 of the Carson Municipal Code, shall be removed.

#### NOISE

28. All operations shall comply with the City of Carson Noise Ordinance.

#### FIRE DEPARTMENT - COUNTY OF LOS ANGELES

29. Provide water mains, fire hydrants, and fire flows as required by County Forester and Fire Warden.



30. The applicant shall comply with all other requirements of the LA County Fire Department.

PUBLIC SAFETY - CITY OF CARSON

31. Ensure compliance with current seismic mitigation codes.

BUILDING AND SAFETY

31. Appropriate permits shall be obtained for work that has been done on the property without required permits, or said work shall be removed. All work shall be brought into compliance with applicable codes.

BUSINESS LICENSE DEPARTMENT - CITY OF CARSON

32. Per Section 6310 of the Carson Municipal Code, all parties involved in the construction project, including but not limited to contractors and subcontractors, shall obtain a City Business License.

