



CITY OF CARSON

PLANNING COMMISSION STAFF REPORT

PUBLIC HEARING: October 27, 2009
SUBJECT: Design Overlay Review No. 1337-09
Variance No. 506-09
APPLICANT: SW Suits Inc.
Attn: David Dupetit
20775 S. Avalon Boulevard
Carson, CA 90746
REQUEST: Freeway-oriented sign and a variance request to exceed the maximum allowable sign area for the Avalon Plaza shopping center
PROPERTY INVOLVED: 20761-20775 S. Avalon Boulevard

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			Schaefer
		Brown			Verrett
		Gordon			

Item No. 11-B

I. Introduction

Date Application Received-September 23, 2009

- Design Overlay Review No. 1337-09
- Variance No. 506-09

Property Owner

- 405 Avalon LLC
Attn: Scott Hook
2025 W. Balboa Boulevard
Newport Beach, CA 92663

Project Applicant

- SW Suits Inc.
Attn: David Dupetit
20775 S. Avalon Boulevard
Carson, CA 90746

Project Address

- 20761-20775 S. Avalon Boulevard, Carson, CA 90746

Project Description

- SW Suits Inc. is the major tenant at the Avalon Plaza shopping center and is proposing a freeway-oriented sign on the back wall of the building and architectural enhancements. The sign will advertise "3 Men's Suits \$129.99." Signage for other tenants will not be allowed. A variance (VAR) request is required to exceed the maximum allowable sign area for the Avalon Plaza shopping center, which is 634 square feet. It is estimated that the shopping center currently has over 740 square feet of signage, which includes all building signs, window signs, and a pylon sign.

II. Background

Current Use of Property

- The Avalon Plaza shopping center is located on the property. There is a single building of 15,940 square feet which was built in 1980. The shopping center consists of the following 10 tenants:
 - SW Suits Inc.
 - Supreme Donuts
 - Optical Dentist
 - Lingerie Dreams
 - Texture Color Hair Art
 - Krazee Grill
 - Payday Advance
 - Pledge Insurance Brokers
 - Venus Nails & Spa
 - Foot Reflexology



Discretionary Permits

- Zone Exception Case No. 59-72 to exceed the allowable sign height in the C-1 zoning district. Approved on June 26, 1972. Sign no longer exists. Permit no longer in effect.
- Special Use Permit No. 136-76 for a gas station and exterior carwash. Permit no longer in effect.
- Design Overlay Review No. 14-78 for construction of a shopping center.
- Design Overlay Review No. 979-06: Application submitted on November 8, 2006 for a freeway-oriented advertising sign/banner in back of the building. The application was withdrawn and a refund was issued on May 12, 2009; the applicant proceeded with an ordinance amendment.
- Variance No. 494-07 (formerly VAR No. 497-07): Variance request submitted on May 8, 2007 to exceed the required total allowable square footage for signage. The application was withdrawn and a refund was issued on May 12, 2009; the applicant proceeded with an ordinance amendment.
- Ordinance Amendment submitted April 23, 2009 to allow for a permanent banner facing the freeway. The application was withdrawn and a refund was issued on October 6, 2009 after direction from the City Council Sign Ordinance Subcommittee on June 17, 2009.

City Council Sign Ordinance Subcommittee

- On June 17, 2009, the City Council Sign Ordinance Subcommittee held a meeting to discuss a proposed ordinance amendment submitted by the applicant to allow for a permanent banner. Staff and the Subcommittee advised that the ordinance amendment would not be supported because of the impacts and precedence it would create on other properties. After discussion, Mr. Dupetit suggested he would like to display permanent channel letters since 50 percent of his business is generated by freeway visibility. Mr. Dupetit provided a sample of what could be installed. After the discussion, the Subcommittee recommended that Mr. Dupetit work quickly with the property owner on the design plans and that Mr. Dupetit get the property owner's approval on the plans in a timely manner in order to expedite his proposal. Staff clarified that the architectural embellishments must start from the corner of the main tenant unit and extend to the end of the new signage. The embellishments must appear as an integral part of the building.

Public Safety Issues

- The Public Safety Division has dealt with numerous banner violations throughout the center, including SW Suits Inc. In 2009, the case was presented to the City Prosecutor who is awaiting the results of this application.



III. Analysis

Location/Site Characteristics/Existing Development

- The subject property is located at 20761-20775 S. Avalon Boulevard.
- The subject site consists of a 15,940-square-foot commercial building constructed in 1980.
- The subject property is in a regional commercial area surrounded by a Sizzler restaurant to the north, the South Bay Pavilion and a shopping center to the east, and the Dominguez Channel to the south and west. The 405 Freeway is located approximately 500 feet to the west across the Dominguez Channel.
- The lot is triangularly shaped and is approximately 0.98 acre.
- The shopping center has 53 parking spaces.

Zoning/General Plan/Redevelopment Area Designation

- The subject property is zoned CR-D (Commercial Regional – Design Overlay) and surrounding properties share the same zoning with exception to the South Bay Pavilion located to the east which is zoned CR-MUR-D (Mixed Use Residential).
- The subject property has a General Plan Land Use designation of Regional Commercial.

Applicable Zoning Ordinance Regulations

The Design Overlay Review (DOR) is required because the subject property is located within a Design Overlay district and Redevelopment Project Area No. 1. The DOR is subject to the approval of a development plan in accordance with the requirements provided in Section 9172.23 of the Carson Municipal Code (CMC). A variance request from Section 9136.7 is required to exceed the total allowable sign area of 634 square feet. It is estimated the shopping center currently has over 740 square feet of signage.

Required Findings: Design Overlay Review No. 1337-09

Pursuant to Section 9172.23 of the CMC, Site Plan and Design Review, the proposed project may be approved if the following findings can be made in the affirmative:

a. Compatibility with the General Plan, any specific plans for the area, and surrounding uses.

The General Plan designates the subject properties as Regional Commercial. The property is currently zoned CR-D (Commercial, Regional – Design Overlay), which is consistent with the General Plan land use designation. The subject property is developed with a shopping center which is compatible with surrounding uses. There is no specific plan for this area.

b. Compatibility of architecture and design with existing and anticipated development in the vicinity, including the aspects of site planning, land coverage, landscaping, appearance, age, and scale of structures and open spaces and other features relating to a harmonious and attractive development of the area.



The existing building was built and completed in 1980. Most buildings in the surrounding area were built in the mid- to late-1970s. Much of the existing development has kept its original form, with some notable exceptions, such as the major remodel and redesign of the South Bay Pavilion (formerly the Carson Mall) and newer development at the southeastern corner of Dominguez Street and Avalon Boulevard. Architectural enhancements such as columns and a trim will improve the appearance of the building as viewed from the 405 Freeway. The proposed sign will be made of channel letters and will be compatible with the building.

c. Convenience and safety of circulation for pedestrians and vehicles.

The proposed sign will not be located in an area accessible to pedestrians or vehicles. However, it will be visible to vehicles on the 405 Freeway, but is not expected to create a safety hazard or create an unnecessary distraction since it will be a static sign.

d. Attractiveness, effectiveness and restraint in signing, graphics and color.

A sign program for the entire shopping center will be required as a condition of approval. The new wall sign will display the business name for the main tenant and no other wall signs in the back of the building will be permitted. With approval of the variance request, the signs will be code compliant in terms of size, location and total number. Unpermitted signs will be removed. As a requirement of the sign program, tenants will be required to obtain owner and city approval for any proposed sign changes.

e. Conformance to any applicable design standards and guidelines, which have been adopted pursuant to Section 9172.15

All of the required findings pursuant to Section 9173.23(d), "Site Plan and Design Review, Approval Authority and Findings and Decision", can be made in the affirmative if conditions of approval are implemented.

Required Findings: Variance No. 506-09

Pursuant to Section 9172.22 of the CMC, Variance, the Planning Commission may approve a variance request only when the following finding can be made in the affirmative:

Because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the Chapter deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.

The subject property has a special circumstance in that it is triangularly-shaped and located on a major highway with freeway visibility. The subject property is also developed with 10 tenant spaces, all of which require signage. Because of the necessity of signage, the total allowable sign area must be divided for all 10 tenants.

This creates a hardship on the tenants as compared with a similar-sized lot with a single tenant. Furthermore, since the property has freeway visibility, erecting a sign on the back wall of the building would be advantageous for the main tenant. This would not only improve the economic vitality of the main tenant, but would also improve the appearance of the building as viewed from the freeway because of the proposed architectural enhancements. Approval of the variance request to exceed the total allowable sign area would allow the main tenant to be competitive with other similar businesses on freeway-visible properties.

Issues of Concern:

- Issue – Total Allowable Sign Area: The total allowable sign area for the shopping center of 634 square feet is based on the street frontage of 317 linear feet. In 2007, staff estimated there were over 740 square feet of signage at the shopping center. This number has increased with the inclusion of window signs and a banner by SW Suits Inc. facing Avalon Boulevard. Because it is difficult to regulate the amount of window signs displayed by each tenant, a sign program is required to provide guidelines on the proper display of window signs. The sign program will also control the size, shape, color, and details of wall signs and other signs at the shopping center.

In 2003, a sign program was submitted to the Planning Division for preliminary review, but was not approved. The property owner needed to address certain minor issues and submit a formal application. Although staff believes the sign program could have been supported and approved, the formal application was never submitted.

- *Mitigation:* A sign program shall be submitted by the property owner that regulates the size, shape, location, colors, materials, and other details of all signs at the shopping center. The sign program shall be submitted within 60 days of approval of Design Overlay Review No. 1337-09 and Variance No. 506-09.
- *Mitigation:* The applicant shall submit a sign plan that shows the size, colors, material, etc. of the proposed sign on the back wall of the building. The signs shall be made of channel letters and shall be reviewed and approved by the Planning Division prior to Building plan check submittal.
- Issue – Advertising Sign/Banner: The applicant originally proposed an advertising sign on the back wall of the shopping center facing the freeway in the 2006 application (DOR No. 979-06). Staff had concerns with that proposal because it was the applicant's intention to provide a permanent advertising sign/banner. Since approximately 2006, the applicant has displayed unpermitted banners on the back wall which have triggered Code Enforcement



involvement. Currently, the case is being reviewed by the City Prosecutor who is awaiting the outcome of this current proposal.

Staff has indicated to the applicant that a permanent advertising sign is not permitted pursuant to Section 9136.7(A) of the CMC; only signs displaying the business name and minor secondary signs are permitted. Recently, the applicant filed a fictitious business name statement with the Los Angeles County Recorder's Office to change the business name to "3 Men's Suit 129.99." As of yet, the business name with the City of Carson Revenue Division is still "SW Suits Inc."

If the applicant wishes to change the business name to include a price, a condition should be added so that the records at the Revenue Division show the correct name. In addition, the sign in the front of the business must be changed.

- *Mitigation:* The freeway-oriented sign on the back wall of the building shall only display the major tenant business name at the shopping center and/or the shopping center name.
- *Mitigation:* One business sign in the front of the building shall be removed prior to finalizing a building permit for the freeway-oriented rear wall sign, to the satisfaction of the Planning Division.
- *Mitigation:* Prior to obtaining a building permit, the business record on file at the Revenue Division at the City of Carson shall be updated to show the proper business name. The new sign shall only show the business name.
- *Mitigation:* In the event the business name changes, a new building permit shall be issued prior to installation of new lettering or sign face subject to review and approval by the Planning Division.
- *Mitigation:* All illegal banners and window signs shall be removed prior to issuance of a building permit, subject to the satisfaction of the Planning Division and Code Enforcement Division.
- Issue – Architectural Enhancement: The applicant proposes to add architectural enhancements in the back of the building. Pillars and a foam trim along the top will be added to frame the proposed sign. It is staff's opinion that this could be improved by installing pillars that extend from the ground to the top of the building. A crown molding at the top of the building would also enhance the building's appearance. Landscaping should be added at the base of the building to soften the appearance.



- *Mitigation:* The architectural enhancements shall be modified so that the pillars extend from the ground to the top of the building. A crown molding shall be installed at the top of the building. Landscaping shall be provided at the base of the building. Prior to Building plan check submittal, the applicant shall submit an improvement plan that shows all the issues described in this condition. Review and approval shall be made by the Planning Division prior to issuance of a building permit.
- *Mitigation:* Raceway shall not be permitted. All channel letters must be flush against the building wall. Electrical conduit shall be properly concealed.

IV. Environmental Review

Pursuant to Section 15311(a), Accessory Structures, of the California Environmental Quality Act (CEQA), the proposed sign to an existing commercial building does not have the potential to cause a significant effect on the environment and is found to be categorically exempt.

V. Conclusion

Based on the history of this project and the manner in which the sign plan has been proposed, it is difficult for staff to support this proposal. First, this application began based on a code enforcement issue in which the applicant installed banners for a prolonged amount of time (approximately 2006 to 2009); the Zoning Ordinance only allows banners to be displayed for 60 calendar days.

Second, the proposed plan does not clearly identify the sign proposal. The proposal began as a permanent advertising sign and afterwards, the applicant indicated the business name would change to meet the signage. As of yet, records at the Revenue Division have not been changed and the business name remains "SW Suits Inc."

Third, it is staff's opinion that the architectural enhancements as presented are unacceptable and addition improvements can be made. However, staff agreed to expedite this proposal and work diligently with the applicant at the request of the City Council Sign Ordinance Subcommittee since this has been an ongoing code enforcement issue.

Lastly, staff cannot be assured that illegal banners and window signs will be removed with approval of this application. Coordination with the property owner and other tenants must be made, which could take a lot of time and effort, including involvement by the Code Enforcement Division and City Prosecutor's office.



VI. Recommendation

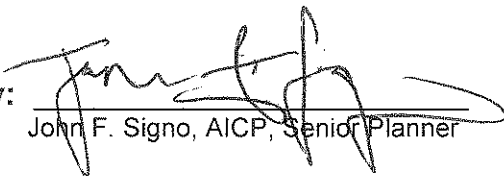
That the Planning Commission make one of the following options:

1. **CONTINUE** this item so that the applicant can make acceptable revisions to the plan; or
2. In the event the Planning Commission would like to approve the proposal, a resolution has been prepared for consideration and the Planning Commission may:
 - **APPROVE** Design Overlay Review No. 1337-09 and Variance No. 506-09; and
 - **WAIVE** further reading and **ADOPT** Resolution No. _____, entitled "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON APPROVING DESIGN OVERLAY REVIEW NO. 1337-09 AND VARIANCE NO. 506-09 FOR A FREEWAY-ORIENTED WALL SIGN AND A VARIANCE REQUEST TO EXCEED THE TOTAL ALLOWABLE SIGN AREA FOR A SHOPPING CENTER LOCATED AT 20761-20775 S. AVALON BOULEVARD."


VII. Exhibits

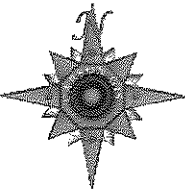
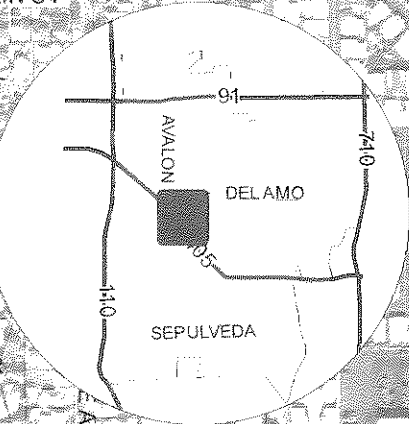
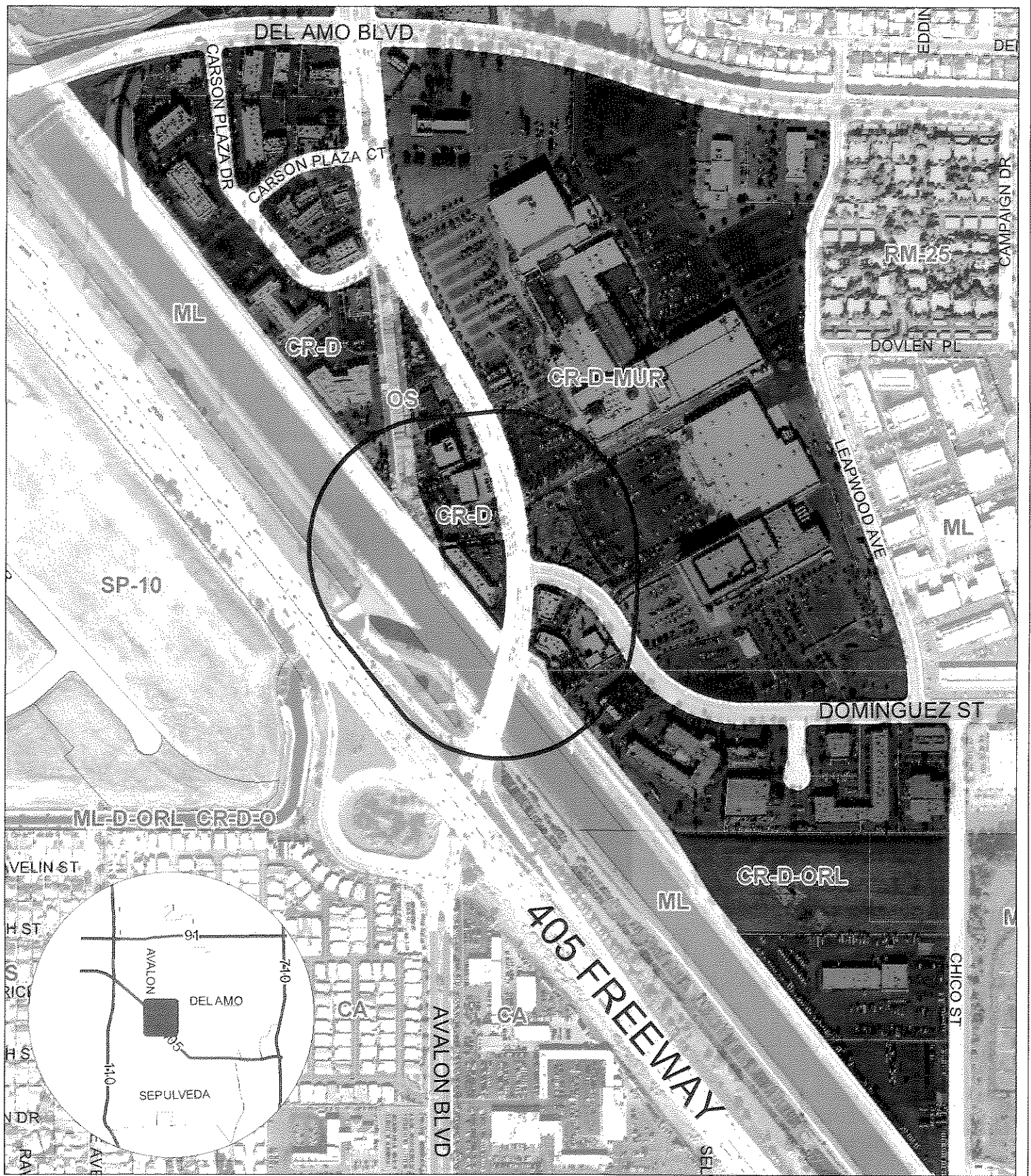
1. Zoning Map (500-Foot Radius Map)
2. Estimated Sign Area
3. Draft Minutes of the City Council Sign Ordinance Subcommittee meeting on June 17, 2009
4. Resolution
5. Development Plan

Prepared by:


John F. Signo, AICP, Senior Planner

Reviewed and Approved by:


Sheri Repp Loadsman, Planning Officer



20775 S AVALON BLVD 500 FOOT RADIUS MAP

10

AVALON PLAZA SIGNAGE CALCULATIONS

	Height (Feet)	Width (Feet)	No. of Wall Signs	Total (S.F.)
SW Suits Inc.	1.5	16	2	48
Supreme Donuts	1.5	16	1	24
Optical Dentist	1.5	16	1	24
Lingerie Dreams	1.5	16	1	24
Texture Color Hair Art	2.25	12	1	27
Krazee Grill	1.67	16	1	27
Payday Advance	1	13	1	13
Pledge Insurance Brokers	2.25	12	1	27
Venus Nails & Spa	1.5	16	1	24
Foot Reflexology	1.5	16	1	24
Total Wall Signs	--	--	11	262
Pylon Sign	12.5	9.7	2	243
SUBTOTAL	--	--	--	504
Estimated Window Signs	--	--	--	240+
GRAND TOTAL	--	--	13	740+
Total Allowable Sign Area	--	--	--	634



**MINUTES
CITY OF CARSON
SIGN ORDINANCE SUB-COMMITTEE
EXECUTIVE CONFERENCE ROOM
701 East Carson Street, 2nd Floor
Carson, CA 90745**

DRAFT

June 17, 2009 – 3:10 P.M.

CALL TO ORDER:

Mayor Dear called the meeting to order at 3:10 P.M.

ROLL CALL:

Mayor Dear and Mayor pro tem Raber in attendance.

Also in attendance were City Manager Groomes, Planning Manager Repp, Senior Planner Signo.

APPROVAL OF AGENDA:

Mayor Dear moved, seconded by Mayor pro tem Raber, to approve the Agenda as presented. Motion carried.

NEW BUSINESS:

ITEM NO. (1)

CONSIDER SIGNAGE FOR SW SUITS, INC., 20775 SOUTH AVALON BOULEVARD

RECOMMENDATION for the City Council Sign Ordinance Sub-Committee:

1. CONSIDER and PROVIDE direction.

City Manager Groomes recapped the history of the communications and activities with the owner of SW Suits, Inc., noting that City staff has been working with the owner of SW Suits, Mr. Dupetit, to obtain conformance with City requirements. He advised that Mr. Dupetit has experienced some economic challenges with the shopping center's owner. He added there also has been some code enforcement activity with this business.

Planning Manager Repp explained that SW Suits is now seeking an Ordinance Amendment to allow permanent signage on the backside of the building; and she added that currently, banner signage can only remain on display for a maximum

of 60 days in a calendar year. She noted that staff can justify some signage on the flat wall at the back of the building facing the freeway.

Mayor Dear suggested expanding this Commercial/Regional shopping center to the special zone applied to the mall across the street, noting this would allow the signage the applicant is seeking; and noted his preference to see illuminated, permanent signage.

Senior Planner Signo advised that SW Suits has recently been given a partial refund following the application process.

David Dupetit, applicant, stated he leases this store and that he is limited on what he can do to its façade; noted he'd like to display permanent channel letters; and advised that 50 percent of his business is generated by freeway visibility.

Alain Dupetit, father of applicant, confirmed that they have surveyed their customers and that 50 percent of their customers have indicated they discovered this store by its freeway-oriented signage.

David Dupetit noted that he'd like the freeway oriented signage to be illuminated channel letters. He questioned why the Planning Division is requiring him to plant trees and flowers on this site; and pointed out that every time City staff asks him to make a change, it increases the cost to have an architect alter the drawings.

Planning Manager Repp explained that some articulation is necessary to distinguish this store from others in the same shopping center, suggesting a façade parapet or extending the mansard only on this end unit.

Councilwoman Ruiz-Raber mentioned that she has exited the freeway because of a sale being advertised on signage visible to freeway traffic.

Planning Manager Repp noted that some molding and cornice work could set this end unit off from the rest of the stores in this center or that some mansard roof extension work could be done along Avalon Boulevard. She added that Mr. Dupetit would need to submit a development plan and variance request because he is requesting to exceed the signage allowance for this building.

David Dupetit expressed his concern with the high cost to make some of those suggested architectural improvements. He stated that the signage in his store windows are also there to block the damaging sunrays from bleaching out his suit stock; advised that those windows along Avalon Boulevard are constantly being shot out with BB bullets; and that any type of awning on that end would be very costly.



Planning Manager Repp mentioned that the entire center needs a sign program, pointing out the variance would include a sign program for this center.

Following the exchange of ideas on how best to display signage at the back of the store in the best and least costly manner, Mr. Dupetit agreed to add architectural columns that would frame the channel letters; and he agreed to resubmit his refunded \$400 from the prior application to start the application process again.

Mayor Dear urged Mr. Dupetit to work quickly with the property owner on the design plans; and that Mr. Dupetit get the property owner's approval on the plans in a timely manner if he wants to get this to the Planning Commission this July.

City Manager Groomes clarified that everyone has agreed these architectural embellishments will start from the corner of his unit and extend to the end of the new signage.

Councilwoman Ruiz-Raber suggested this agreement be put in writing.

NEW BUSINESS:

ITEM NO. (2)

ROCA DE SALVACION

RECOMMENDATION for the City Council Sign Ordinance Sub-Committee:

- 1. RECEIVE and FILE status report.

Action: Received and filed.

ADJOURNMENT

The meeting was adjourned at 4:25 P.M.



CITY OF CARSON
PLANNING COMMISSION
RESOLUTION NO. 09-_____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON APPROVING DESIGN OVERLAY REVIEW NO. 1337-09 AND VARIANCE NO. 506-09 FOR A FREEWAY-ORIENTED WALL SIGN AND A VARIANCE REQUEST TO EXCEED THE TOTAL ALLOWABLE SIGN AREA FOR A SHOPPING CENTER LOCATED AT 20761-20775 S. AVALON BOULEVARD

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

Section 1. An application was duly filed by the applicant, David Dupetit, on behalf of SW Suits Inc., with respect to real property located at 20761-20775 S. Avalon Boulevard and described in Exhibit "A" attached hereto, requesting the approval of Case number Design Overlay Review No. 1337-09 and Variance No. 506-09 to install a freeway-oriented business sign on the back wall of the building of an existing commercial center in the CR-D (Commercial, Regional – Design Overlay) zoning district.

The Planning Commission held a duly noticed public hearing on October 27, 2009 at 6:30 P.M. at City Hall, Council Chambers, 701 East Carson Street, Carson, California. A notice of time, place and purpose of the aforesaid meeting was duly given.

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

Section 3. Pursuant to Section 9172.23 of the Carson Municipal Code (CMC), Site Plan and Design Review, and Section 9172.22, Variance, the Planning Commission finds:

- a) The General Plan designates the subject properties as Regional Commercial. The property is currently zoned CR-D (Commercial, Regional – Design Overlay), which is consistent with the General Plan land use designation. The subject property is developed with a shopping center which is compatible with surrounding uses. There is no specific plan for this area.
- b) The existing building was built and completed in 1980. Most buildings in the surrounding area were built in the mid- to late-1970s. Much of the existing development has kept its original form, with some notable exceptions, such as the major remodel and redesign of the South Bay Pavilion (formerly the Carson Mall) and newer development at the southeastern corner of Dominguez Street and Avalon Boulevard. Architectural enhancements such as columns and a trim will improve the appearance of the building as viewed from the 405 Freeway. The proposed sign will be made of channel letters and will be compatible with the building.
- c) The proposed sign will not be located in an area accessible to pedestrians or vehicles. However, it will be visible to vehicles on the 405 Freeway, but is not expected to create a safety hazard or create an unnecessary distraction since it will be a static sign.
- d) A sign program for the entire shopping center will be required as a condition of approval. The new wall sign will display the business name for the main tenant and no other wall signs in the back of the building will be permitted. With



approval of the variance request, the signs will be code compliant in terms of size, location and total number. Unpermitted signs will be removed. As a requirement of the sign program, tenants will be required to obtain owner and city approval for any proposed sign changes.

- e) All of the required findings pursuant to Section 9173.23(d), "Site Plan and Design Review, Approval Authority and Findings and Decision", can be made in the affirmative if conditions of approval are implemented.
- f) The subject property has a special circumstance in that it is triangularly-shaped and located on a major highway with freeway visibility. The subject property is also developed with 10 tenant spaces, all of which require signage. Because of the necessity of signage, the total allowable sign area must be divided for all 10 tenants. This creates a hardship on the tenants as compared with a similar-sized lot with a single tenant. Furthermore, since the property has freeway visibility, erecting a sign on the back wall of the building would be advantageous for the main tenant. This would not only improve the economic vitality of the main tenant, but would also improve the appearance of the building as viewed from the freeway because of the proposed architectural enhancements. Approval of the variance request to exceed the total allowable sign area would allow the main tenant to be competitive with other similar businesses on freeway-visible properties.

Section 4. Pursuant to Section 15311(a), Accessory Structures, of the California Environmental Quality Act (CEQA), the proposed sign to an existing commercial building does not have the potential to cause a significant effect on the environment and is found to be categorically exempt.

Section 5. Based on the aforementioned findings, the Commission hereby grants Design Overlay Review No. 1337-09 and Variance No. 506-09 with respect to the property described in Section 1 hereof, subject to the conditions set forth in Exhibit "B" attached hereto.

Section 6. The Secretary shall certify to the adoption of the Resolution and shall transmit copies of the same to the applicant.

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

PASSED, APPROVED AND ADOPTED THIS 27th DAY OF OCTOBER, 2009.

CHAIRMAN

ATTEST:

SECRETARY



CITY OF CARSON
ECONOMIC DEVELOPMENT
PLANNING DIVISION
EXHIBIT "B"
CONDITIONS OF APPROVAL
DESIGN OVERLAY REVIEW NO. 1337-09
VARIANCE NO. 506-09

GENERAL CONDITIONS

1. If Design Overlay Review No. 1337-09 and Variance No. 506-09, are not used within one year of their effective date, said permits 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 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 and approval by the Planning Commission. Any revisions shall be approved by the Planning Division prior to Building and Safety plan check submittal.
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. It is further made a condition of this approval that if any condition is violated or if any law, statute or ordinance is violated, the permits shall be determined to be automatically revoked, provided the applicant has been given written notice to cease such violation and has failed to do so for a period of thirty days.
7. All buildings, grounds, parking areas and landscaping shall be maintained in a neat and orderly manner at all times.



8. 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.
9. 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.
10. 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.
11. The Applicant shall defend, indemnify and hold harmless the City of Carson, its agents, officers, or employees from any claims, damages, action, or proceeding against the City or its agents, officers, or employees to attack, set aside, void or annul, and approval of the City, its advisory agencies, appeal boards, or legislative body concerning Design Overlay Review No. 1337-09 and Variance No. 506-09. 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

12. The required parking shall meet all applicable standards as outlined in Part 6, Division 2 of the Carson Zoning Ordinance.
13. All parking areas and driveways shall remain clear. No encroachment into parking areas and/or driveways shall be permitted.
14. All areas used for the movement of parking, loading, repair or storage of vehicles shall be paved with either:
 - a. Concrete or asphaltic concrete to a minimum thickness of three and on-half inches over four inches of crushed aggregate base; or
 - b. Other surfacing material which, in the opinion of the Director of Engineering Services, provides equivalent life, service and appearance.

LANDSCAPING/IRRIGATION

15. All landscaped areas shall be maintained in good condition at all times.
16. All landscaped shall be on the subject property and outside of any future dedications or right-of-ways.



UTILITIES

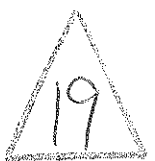
17. All utilities and aboveground equipment shall be constructed and located pursuant to Section 9126.8 of the Zoning Ordinance, unless otherwise provided for in these conditions.
18. All roof mounted equipment shall be screened from public view or incorporated into the design of the structure or building.

AESTHETICS

19. The specification of all colors and materials must be submitted and approved by the Planning Division prior to the issuance of any building permits.
20. The subject property shall be maintained at all times to present an attractive appearance to the satisfaction of the Planning Division.
21. The architectural enhancements shall be modified so that the pillars extend from the ground to the top of the building. A crown molding shall be installed at the top of the building. Landscaping shall be provided at the base of the building. Prior to Building plan check submittal, the applicant shall submit an improvement plan that shows all the issues described in this condition. Review and approval shall be made by the Planning Division prior to issuance of a building permit.

SIGNS

22. A sign program shall be submitted by the property owner that regulates the size, shape, location, colors, materials, and other details of all signs at the shopping center. The sign program shall be submitted within 60 days of approval of Design Overlay Review No. 1337-09 and Variance No. 506-09.
23. The applicant shall submit a sign plan that shows the size, colors, material, etc. of the proposed sign on the back wall of the building. The signs shall be made of channel letters and shall be reviewed and approved by the Planning Division prior to Building plan check submittal.
24. The freeway-oriented sign on the back wall of the building shall only display the major tenant business name at the shopping center and/or the shopping center name.
25. Raceway shall not be permitted. All channel letters must be flush against the building wall. Electrical conduit shall be properly concealed.
26. One business sign in the front of the building shall be removed prior to finalizing a building permit for the freeway-oriented rear wall sign, to the satisfaction of the Planning Division.
27. Prior to obtaining a building permit, the business record on file at the Revenue Division at the City of Carson shall be updated to show the proper business name. The new sign shall only show the business name.



28. In the event the business name changes, a new building permit shall be issued prior to installation of new lettering or sign face subject to review and approval by the Planning Division.
29. All illegal banners and window signs shall be removed prior to issuance of a building permit, subject to the satisfaction of the Planning Division and Code Enforcement Division.

LIGHTING

30. All exterior lighting shall be provided in compliance with the standards as provided for in Section 9137.1 (Commercial Zones) of the Zoning Ordinance.
31. Low level exterior lights shall be installed and 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. A photometric study may be required and approved by the Planning Division prior to the issuance of building permits.

BUILDING AND SAFETY

32. 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

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

