



CITY OF CARSON

PLANNING COMMISSION STAFF REPORT

PUBLIC HEARING: March 26, 2013

SUBJECT: Variance No. 529-12

APPLICANT: Gary Maxwell
8941 Atlanta Avenue, Unit No. 365
Huntington Beach, CA 92646

REQUEST: To approve modifying the height of an existing non-conforming 65-foot pole sign to a 40-foot pole sign which exceeds the 30-foot maximum allowable height within the CG (Commercial, General) zoning district.

PROPERTY INVOLVED: 1200 East 220th Street

COMMISSION ACTION

- Concurred with staff
- Did not concur with staff
- Other

COMMISSIONERS' VOTE

AYE	NO		AYE	NO	
		Chairman Faletogo			Goolsby
		Vice-Chair Verrett			Gordon
		Brimmer			Saenz
		Diaz			Schaefer

I. Introduction

Property Owner

Oil, Chemical and Atomic Workers International Union, Local No. 1-128
C/o David Campbell, Secretary/Treasurer
1200 East 220th Street
Carson, CA 90745
Xochitl@usw675.org

Applicant

Gary Maxwell
8941 Atlanta Ave, Unit No. 365
Huntington Beach, CA 92646
gary@maxarc.com

Project Address

1200 East 220th Street

Project Description

The applicant, Gary Maxwell, on behalf of the property owner is requesting approval of Variance (VAR) No. 529-12. The applicant is requesting a variance from Carson Municipal Code (CMC) Sections 9136.12, Height of Buildings and Structures, and 9136.7(B)(3), Signs, by proposing to modify an existing nonconforming 65-foot-high pole sign to a 40-foot-high pole sign, which would still exceed the 30-foot maximum allowable height within the CG (Commercial, General) zoning district.

The subject property is located along 220th Street, east of Avalon Blvd. and west of Interstate 405 Freeway (Exhibit No. 1). The applicant proposes to replace the old existing three-sided sign face with a redesigned double-sided, illuminated sign cabinet and requests approval to reduce the existing 65-foot pole sign to a 40-foot pole sign to maintain freeway visibility.

II. Background

Existing Site Conditions/Current Use of Property

The 1.02-acre subject property is a relatively flat, triangular-shaped lot located west of Interstate 405 Freeway. The subject property's elevation is lower than the freeway (Exhibit No. 2). There are two existing driveways facing 220th Street which provides adequate ingress and egress to the property and a paved off-street parking area consisting of 38 parking spaces. There are currently two structures on the subject site: a 7,458-square-foot, single-story office building located in the back portion of the property and a 65-foot-high dilapidated pole sign located in the south-east corner of the site.

On May 8, 1973, the applicant, Thermal Equipment Corporation, on behalf of the property owner at that time, Republic Lease Plan, Inc., obtained Planning

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Commission approval for Special Use Permit (SUP) No. 95-73 pursuant to Resolution No. 73-246 to develop the property for the lease of new vehicles and sale of used vehicles within the MPD (Manufacturing Planned Development) zone. On May 22, 1973, modification of the conditions of approval to include construction of a 65-foot-high pole sign was approved.

All Purpose Fire Extinguisher Corporation occupied the subject property from 1985 until 1988. Local 675 United Steelworkers Union has operated its office use at the subject property since 1988.

As mentioned, the sign was approved to be 65 feet high in the previously designated manufacturing/industrial zone. Subsequently, the zone designation changed from manufacturing/industrial to commercial and pursuant to CMC Section 9182.22 (Termination of Existing Non-Conforming Use) the sign lost its legal, non-conforming status when the amortization period ended. As such, a strict interpretation of the code requires the sign to be removed or made conforming unless a variance is approved.

Approval of a variance to allow reducing the existing 65-foot pole sign to a 40-foot pole sign exceeding the 30-foot maximum allowable height would allow the business to retain freeway visibility of its signage. Additionally, 1152 East Carson Street located within the vicinity of the subject property is also a larger, freeway-oriented, triangular shaped commercial property with the same CG zone that has approved variances (VAR No. 388-95 and VAR No. 98-78) to continue the use of an existing 46-foot high pole sign.

Previous Proposals/Approved Discretionary Permits

On April 9, 1969, Variance No. 4-68 to reduce the front yard setback and to construct and operate a machine shop was denied by the City Council.

In 1989, Variance No. 318-89 to install an electronic message board to the existing 65-foot pole sign was withdrawn by the applicant.

Public Safety Issues

There is an open code enforcement violation (CEV No. 1480) to bring the existing 65-foot pole sign into compliance.

III. Analysis

The property and the pole sign were developed with the appropriate approvals. The variance request to reduce the height of the existing 65-foot pole sign to a 40-foot pole sign will remove an existing blight by replacing the dilapidated sign with a smaller, contemporary double-face sign cabinet at an appropriate height that will continue to provide freeway visibility for USW Local 675 Union who has occupied the site for about 25 years.

Location/Site Characteristics/Existing Development

The project site is located on 220th Street, between Avalon Boulevard and Interstate 405 freeway. Residential single-family dwellings are located north, west and south of the subject property. The existing 65-foot high pole sign is located at the south-east corner of the site adjacent to a residential neighborhood.

Zoning/General Plan Designation:

The subject property is zoned CG (Commercial, General) and has a General Plan designation of General Commercial. The adjacent properties to the west, south, and north (across 220th Street) are zoned RS (Residential, Single-Family) and have a General Plan land use designation of low density. The existing commercial office use is compatible with the surrounding residential uses.

Variance No. 529-12 Findings:

Pursuant to Section 9172.22 – Variance – The Planning Commission may approve the proposal only if the following finding can be made in the affirmative:

- a. A Variance shall be granted only when, because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of this Chapter deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.

The applicant request a variance from CMC Sections 9136.12 and 9136.7 to modify the height of an existing nonconforming 65-foot-high pole sign to a 40-foot-high pole sign which exceeds the 30-foot maximum allowable height within the CG (Commercial, General) zoning district.

The site is a larger, free-way oriented, irregular shaped commercial property with an elevation that is lower than the adjacent freeway. Its is located on 220th Street in an area of the City that is surrounded by residential homes and isolated from any main streets. Staff recommends approval of the variance request to exceed the 30-foot maximum allowable height for a pole sign within the CG zoning district. Additionally, there is another similar irregularly shaped, freeway oriented, larger commercial property located within the vicinity that have the same CG zone that enjoys the privilege of freeway-oriented signage, which also exceeds the maximum allowable 30-foot height limit.

Staff believes the project meets the goals and objectives of the General Plan and is consistent with applicable zoning and design regulations subject to compliance with the required findings for a variance. Therefore all of the required findings pursuant to CMC Section 9172.22, "Variance Findings and Decisions," can be made in the affirmative if conditions of approval are implemented.

IV. Environmental Review

The proposed project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15311,



Class 11 – Accessory Structures. Modifying the existing 65-foot-high pole sign to a 40-foot-high pole sign does not have the potential to cause a significant effect on the environment.

V. Recommendation

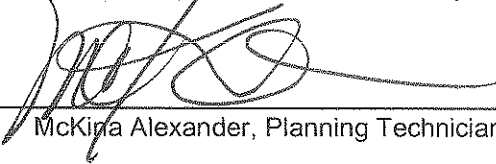
That the Planning Commission:

- **APPROVE** Variance No. 529-12 subject to the conditions of approval attached as Exhibit "B" to the Resolution;
- **WAIVE** further reading; and
- **ADOPT** Resolution No. 13-____, entitled "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON APPROVING VARIANCE NO. 529-12 TO EXCEED THE MAXIMUM HEIGHT LIMIT FOR A POLE SIGN WITHIN THE CG (COMMERCIAL, GENERAL) ZONING DISTRICT FOR A PROPERTY LOCATED AT 1200 EAST 220TH STREET."

VI. Exhibits

1. Site Map
2. Elevation Comparison
3. Draft Resolution
4. Development Plans (submitted under separate cover)

Prepared by:



McKina Alexander, Planning Technician

Reviewed by:

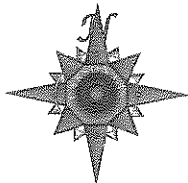
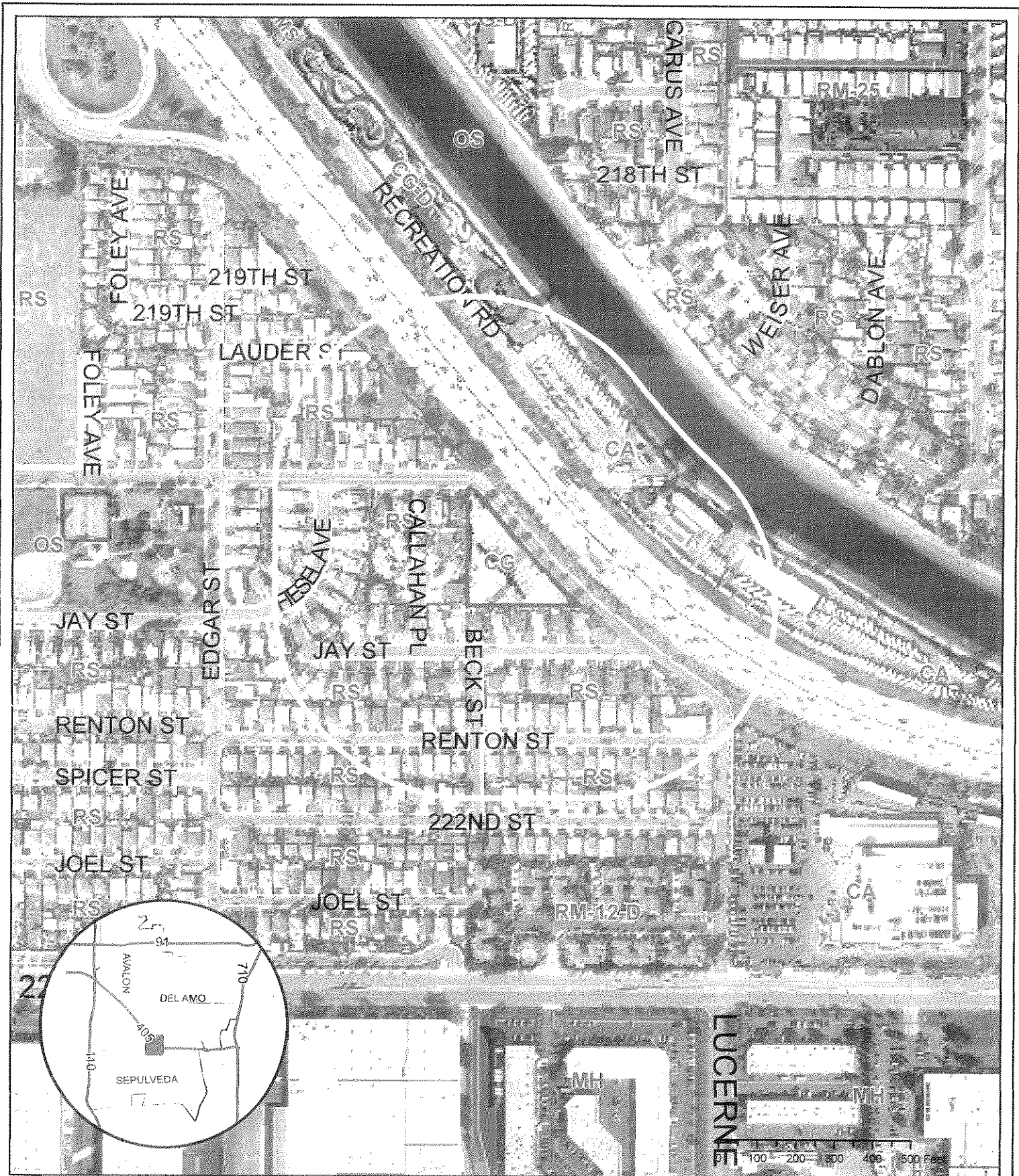


John F. Signo, AICP, Senior Planner

Approved by:



Sheri Repp-Loadsmann, Planning Officer

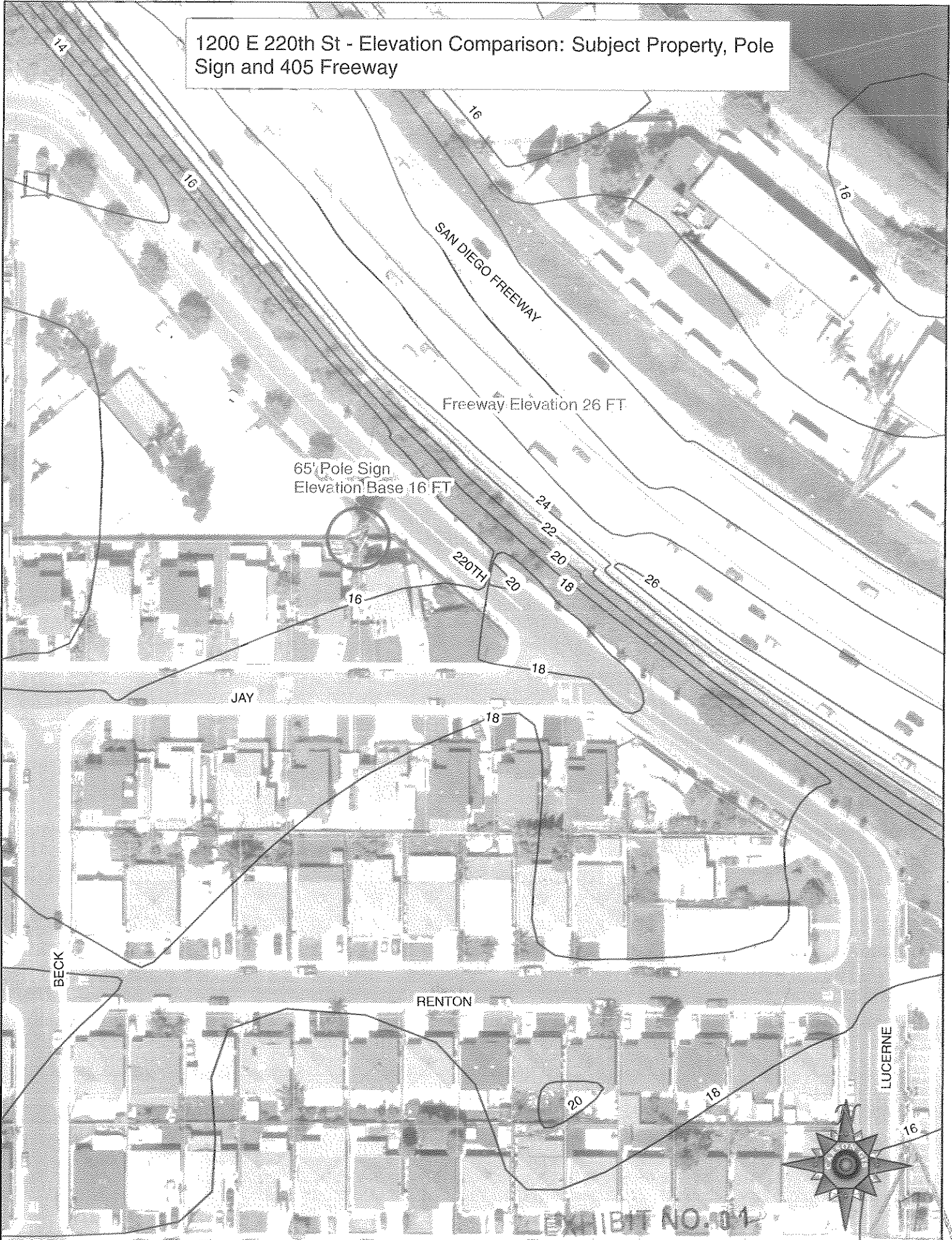


City of Carson
500 Foot Radius Map
1200 East 220th Street

EXHIBIT NO. 01



1200 E 220th St - Elevation Comparison: Subject Property, Pole Sign and 405 Freeway



65' Pole Sign
Elevation Base 16 FT

Freeway Elevation 26 FT

EXHIBIT NO. 104

CITY OF CARSON
PLANNING COMMISSION
RESOLUTION NO. 13-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON APPROVING VARIANCE NO. 529-12 TO EXCEED THE MAXIMUM HEIGHT LIMIT FOR A POLE SIGN WITHIN THE CG (COMMERCIAL, GENERAL) ZONING DISTRICT FOR A PROPERTY LOCATED AT 1200 EAST 220TH 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, Gary Maxwell, on behalf of property owner, Oil, Chemical and Atomic Workers International Union, Local No. 1-128, with respect to real property located at 1200 East 220th Street, and described in Exhibit "A" attached hereto, requesting the approval of a variance to modify the height of an existing non-conforming 65-foot-high pole sign to a 40-foot-high pole sign which exceeds the 30-foot maximum allowable height within the CG (Commercial, General) zoning district.

On May 8, 1973, applicant Thermal Equipment Corporation on behalf of the property owner at that time (Republic Lease Plan, Inc.) obtained Planning Commission approval for Special Use Permit (SUP) No. 95-73 pursuant to Resolution No. 73-246 to develop the property for the lease of new vehicles and sale of used vehicles within the MPD (Manufacturing Planned Development) zone. On May 22, 1973, modification of the conditions of approval to include construction of a 65-foot-high pole sign was approved. Subsequently, the zone designation changed from manufacturing/industrial to commercial and pursuant to CMC Section 9182.22, Termination of Existing Non-Conforming Use, the sign lost its legal, non-conforming status when the amortization period ended. As such, the sign should be removed or brought into conformance. The applicant requests a variance from CMC Sections 9136.12 and 9136.7 to exceed the 30-foot maximum allowable height by replacing the existing 65-foot-high pole sign with a 40-foot-high pole sign within the CG (Commercial, General) zoning district.

A public hearing was duly held on March 26, 2013, 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. The Planning Commission finds that:

- a) The proposed 40-foot-high pole sign meets the goals and objectives of the General Plan and will be consistent with applicable zoning and design regulations pursuant to an approved variance request subject to conditions of approval. The subject property has a special circumstance due to size, shape, topography, location and surroundings that deprive it of privileges enjoyed by other property in the vicinity and under the identical zoning classification. Unlike other commercial properties that have excellent visibility along main roadways, the subject property is located along a residential street and isolated from main roadways and higher foot traffic because of the surrounding residential neighborhood. Additionally, the property is located at a lower elevation from the



adjacent freeway giving it minimal visibility. This disadvantage typically lessens the economic viability of such commercial properties making them less marketable and causing difficulties for businesses that wish to operate there. The variance request would allow signage visibility from the freeway and will help promote the business at the subject property.

- b) The site is a larger commercial property, with an irregular triangular shape, topography, and an obscure location. The proposed height reduction of an existing 65-foot-high pole sign to a 40-foot-high pole sign would be less invasive yet still allow signage to be visible from the adjacent 405 Freeway. Furthermore, the existing three-sided wooden sign cabinet will be replaced with a double-sided, illuminated sign cabinet, which would be more aesthetically appealing.
- c) There are other larger commercial properties located within the vicinity that are freeway-oriented and have similar irregular shapes within the CG zone that enjoy the privilege of having freeway-oriented signage and exceed the maximum allowable 30-foot height.
- d) The project meets the goals and objectives of the General Plan and is consistent with applicable zoning and design regulations subject to compliance with the required variance findings. Therefore all of the required findings pursuant to CMC Section 9172.22, "Variance Findings and Decisions," can be made in the affirmative if conditions of approval are implemented

Section 4. The Planning Commission further finds that the variance request to exceed the maximum height limit will not have a significant effect on the environment. Therefore, the proposed project is found to be categorically exempt under the California Environmental Quality Act (CEQA) Guidelines, Section 15311, Class 11 – Accessory Structures.

Section 5. Based on the aforementioned findings, the Planning Commission hereby approves the categorical exemption and grants Variance No. 529-12 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 Municipal Code.

PASSED, APPROVED AND ADOPTED THIS 26th DAY OF MARCH, 2013.

CHAIRMAN

ATTEST:

SECRETARY

EXHIBIT A

LEGAL DESCRIPTION

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF CARSON, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

THAT PORTION OF LOT 34 OF TRACT NO. 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 LYING SOUTHWESTERLY OF THE FOLLOWING DESCRIBED LINE:

BEGINNING AT A POINT IN THE SOUTHERLY LINE OF SAID LOT, DISTANT THEREON SOUTH 69 DEGREES, 49' 31" WEST 342.58 FEET FROM THE SOUTHEAST CORNER OF SAID LOT, SAID POINT BEING IN A CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 2152.00 A RADIAL LINE OF SAID CURVE TO SAID POINT BEARS SOUTH 42 DEGREES 19' 57" WEST; THENCE NORTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 8 DEGREES 22' 21" AN ARC DISTANCE OF 314.47 FEET; THENCE TANGENT TO SAID CURVE NORTH 39 DEGREES 17' 42" WEST 98-44 FEET TO THE NORTHERLY LINE OF SAID LOT.

APN: 7332-009-036



CITY OF CARSON
DEVELOPMENT SERVICES
PLANNING DIVISION
EXHIBIT "B"
CONDITIONS OF APPROVAL
VARIANCE NO. 529-12

GENERAL CONDITIONS

1. Obtain appropriate permit and final inspection from the Building and Safety Division to modify the existing 65-foot-high pole sign to a 40-foot-high pole sign and reface the existing three-sided wooden sign cabinet with a double-sided, illuminated sign cabinet.
2. If Variance No. 529-12 is 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.
3. Approval by the Planning Division and issuance of appropriate building permits, if applicable, are required for any future alterations, expansions or repairs.
4. The applicant shall comply with all city, county, state and federal regulations applicable to this project.
5. The applicant shall make any necessary site plan and design revisions to the site plan and elevations approved by the Planning Commission in order to comply with all the conditions of approval and applicable Zoning Ordinance provisions. Substantial revisions will require review and approval by the Planning Commission.
6. 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 within 90 days of receiving approval by the Planning Commission, if applicable.
7. 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.
8. 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 and submitted to Planning division.



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. It is further made a condition of this approval that if any condition is violated or if any law, statute, or ordinance is violated, this permit may be revoked by the Planning Commission or City Council, as may be applicable; provided the applicant has been given written notice to cease such violation and has failed to do so for a period of thirty days.
12. The sign shall be maintained in good condition at all times, including proper lighting, paint, and material condition. Failure to comply is a violation of these conditions and may be grounds for revocation of the variance request.
13. The Applicant shall defend, indemnify and hold harmless the City of Carson, its agents, officers, or employees from any claims, damages, action, or proceedings against the City or its agents, officers, or employees to attack, set aside, void or annul, an approval of the City, its advisory agencies, appeal boards, or legislative body concerning Variance No. 529-12. 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

14. Designated parking shall meet all applicable standards as outlined in the City of Carson development standards. No expansions, additions, or landscaping shall be constructed that precludes or prevents on-site parking.
15. All parking areas and driveways shall remain clear to facilitate automobile parking and access. No encroachment into parking areas and/or driveways shall be permitted.

BUILDING & SAFETY

16. All building and structure improvements shall comply with City of Carson Building and Safety Division requirements.



FIRE DEPARTMENT - COUNTY OF LOS ANGELES

17. All requirements by the Los Angeles County Fire Department shall be met.
18. There shall be no storage allowed within any required building setback yard area to promote fire safety.

BUSINESS LICENSE DEPARTMENT - CITY OF CARSON

19. 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.

