



CITY OF CARSON

PLANNING COMMISSION STAFF REPORT

CONTINUED PUBLIC HEARING: June 11, 2013

SUBJECT: Design Overlay Review No. 1477-13, Variance No. 540-13 and Modification No. 2 to Conditional Use Permit No. 468-98

APPLICANT: Mike Pourtemour
19135 Main Street
Gardena, CA 90248

REQUEST: To permit the construction of a new modular office building, modify conditions for the continued operation of a vehicle impound yard and to reduce required front yard setbacks to retain existing masonry walls on Main and Broadway Streets for a property located in the MH-D (Manufacturing, Heavy, Design Overlay) zoning district

PROPERTY INVOLVED: 19135 S. Main Street

COMMISSION ACTION

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

COMMISSIONERS' VOTE

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

Item No. 10-A

I. **Introduction**

Project Description

Design Overlay Review No. 1477-13 for construction of a new modular/steel 3,200-square-foot office and service building with a height of 15 feet;

Variance No. 540-13 to deviate from Carson Municipal Code (CMC) Section 9148.1 to provide zero setback instead of the required minimum five-foot front yard setback in order to retain existing masonry wall on Main and Broadway Streets and keeping the existing 6 foot high wall on Broadway instead of the required 8 foot high wall;

Modification No. 2 to Conditional Use Permit No. 468-98 to modify and delete certain conditions of approval allowing an existing vehicle impound yard to continue operation

Property Owner/Applicant

Mike Pourtemour, 19135 S. Main Street, Carson, CA 90745

Project Address

19135 S. Main Street, Carson, CA 90745

II. **Background**

On May 28, 2013, the Planning Commission moved to approve Design Overlay Review No. 1477-13, Variance No. 540-13, and Modification No. 2 to Conditional Use Permit No. 468-98 but to eliminate Conditions of Approval Nos. 21, 24, 26, 28, 54, 58, and 59 thus allowing a zero setback along Broadway and Main Street for the existing block wall to remain in place. As a result, staff was requested to prepare the necessary resolution including findings to support the intended action and conditions to reflect the proposed changes. A resolution must be approved in order for the Planning Commission's action to become final.

Deleted conditions are as follows:

Condition No. 21: The applicant shall submit two sets of landscaping and irrigation plans drawn, stamped and signed by a licensed landscape architect. Such plans are to be approved by the Planning Division prior to the issuance of any building permit.

Condition No. 24: Landscaping shall be provided with a permanently installed, automatic irrigation system and operated by an electrically timed controller station set for early morning or late evening irrigation. A ten foot landscape setback shall be provided along Broadway Street. Landscape and irrigation modifications may be required for the planter area adjacent to the wall on Main Street to achieve consistency with the new landscape areas.



Condition No. 26: The applicant shall contact the City's tree maintenance supervisor regarding the type, planting and maintenance of street trees.

Condition No. 28: Perimeter wall along Broadway Street shall be eight feet in height and shall not have barbed wire or similar within view of the public right of way. Alternative perimeter wall design may be approved by the Planning Division provided that adequate security and design elements are achieved. Wrought Iron fencing shall be provided fronting the new 8 parking space area along Main Street. To ensure public safety, security cameras shall be provided linked to the Los Angeles County Sheriff Office.

Condition No. 54: Repair any broken or raised/sagged sidewalk, curb and gutter, if any, along Main Street per City of Carson Standard and to the satisfaction of the City Engineer.

Condition No. 58: Streets abutting the development, with new utility trench cuts to serve the development, shall be slurry sealed from curb-to-curb or from median-to-curb when medians are existing or as approved by the City Engineer. Slurry Seal materials shall be rubberized emulsion aggregate slurry (REAS).

Condition No. 59: All infrastructures necessary to serve the proposed development (water, sewer, storm drain and street improvements) shall be in operation prior to the issuance of Certificate of Occupancy.

Status of Conditions

The Planning Commission is advised that some of the conditions requested to be deleted will still be an obligation to the applicant since there are specifically required by the Carson Municipal Code or City Council approved standards. Staff often places conditions of approval as a means of advising applicants of required procedures or actions. As such, deletion of the conditions will have no impact. The following describes requirements that will still be the responsibility of the applicant:

Condition No. 21 and No. 24: CMC Section 9162.52 requires irrigation of landscape areas and that a "licensed landscape architect" prepares all landscaping and irrigation plans.

Condition No. 28: Section 9148.1 (B) (Vehicle Dismantling Yards, Junk and Salvage Yards, Vehicle Impounding Yards) that requires a project boundary wall of a minimum 8-foot height and with a setback of 5-feet from the lot line along all frontages abutting a public street. This requirement will be eliminated subject to the approval of a variance. The Planning Commission is reminded that the variance pertains to special circumstances applicable to the property. As such, should there be a change of business, use or ownership, the property will



continue to enjoy the privilege of not meeting setback requirements along both street frontages.

Condition Nos. 26, 54, 58 and 59: The Public Works Engineering “conditions of approval” are part of City Council approved “Public Works Standards” and requirements specified in the CMC as follows:

9161.4 Improvement Requirements for Buildings and Structures.

A. Before any building permit is issued for any building or structure subject to the provisions of this Division 1, the applicable improvements identified in subsection B below shall be installed, constructed or otherwise provided for.

B. The required improvements may include, without limitation, the following: pavement, curbs, gutters, sidewalks, drainage facilities, sewer facilities, water facilities, lighting, traffic signals, signing, striping, median improvements, parkway trees and landscaping, grading of right-of-way, right-of-way dedication, noise attenuation barriers, modifications to existing utilities to facilitate any or all of the improvements identified herein, and repairs to any or all of the improvements identified herein. Other improvements may be required if, in the determination of the Director of Public Works, such improvements are directly related to the development of the site of the proposed building or structure and are required to protect the public health, safety and welfare.

C. The estimated cost of all such required improvements shall not exceed fifty (50) percent of the valuation of the structure for which a building permit is requested. The valuation shall be determined by the City Building Official using as a guide the Marshall Valuation Service compiled by Marshall and Swift Publication Company. (Ord. 88-830, § 1)

CMC Section 9148.1

During the public hearing on May 28, 2013, the applicant provided a copy of CMC Section 9148.1 and suggested that the relevant section of the code could be interpreted to mean that *no* setback was required for the walls surrounding a vehicle dismantling yard, junk and salvage yard or vehicle impounding yard. As the Assistant City Attorney and staff explained at the meeting, the code specifically requires a

Planning Commission Staff Report
DOR No. 1477-13, Variance No. 540-13, & Modification No. 2 to CUP No. 468-98
June 11, 2013



minimum of 5 foot landscape setback. An excerpt from CMC Section 9148.1 is provided as follows:

9148.1 Vehicle Dismantling Yards, Junk and Salvage Yards, Vehicle Impounding Yards.

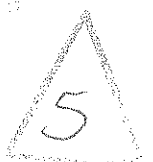
No vehicle dismantling yard, or junk and salvage yard, or vehicle impounding yard shall be established, maintained or extended in any zone unless it complies with the following requirements:

A. All operations and storage, including all equipment used in conducting such business, other than parking, shall be conducted within an enclosed building, or within an area enclosed by a solid fence. When two (2) or more vehicle dismantling yards, junk and salvage yards, and/or vehicle impounding yards have a common boundary line, a solid wall or solid fence shall not be required on such common boundary line; provided, however, that a solid wall or solid fence shall enclose the entire combined area devoted to such uses. (Ord. 80-532, § 6)

B. Where such fences or walls are provided, other than a decorative wall required pursuant to CMC 9162.52, they shall be developed as provided herein:

1. The fences and walls shall be of a uniform height in relation to the ground upon which they stand and shall be a minimum of eight (8) feet and shall not exceed fifteen (15) feet in height. Except in the yard areas where off-street parking is required or provided, said fences or walls shall be set back five (5) feet from the lot line along all frontages abutting a public street or walkway, or abutting a more restrictive zone. This five (5) foot setback area shall be landscaped in a neat, attractive manner and shall be equipped with an irrigation system, permanently and completely installed, which delivers water directly to all landscaped areas. Where off-street parking is required or provided, said wall or fence shall be constructed at the rear of the parking area.

Tall-growing trees shall be planted and maintained along side and rear fences or walls which abut an elevated freeway or residential area, in accordance with a planting plan approved by the Director.



2. All fences and walls open to view from any public street or walkway or any area in other than an industrial zone shall be constructed of solid masonry, except required fences may be constructed of other material comparable to the foregoing if approved by the Director and in accordance with standards established by resolution of the Council after recommendation by the Commission.

3. The fences and walls shall be constructed in workmanlike manner, shall be uniform in appearance and shall consist solely of new materials unless the Director approves the substitution of used materials, where, in his opinion, such used materials will provide the equivalent in service, appearance and useful life.

4. All gates in the fences or walls shall be of solid metal material and shall be no less than eight (8) feet in height and shall not exceed fifteen (15) feet in height. Such gates shall be kept closed when not in use and shall provide a pedestrian access opening unless other pedestrian access is provided.

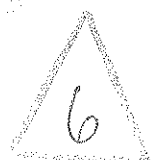
Staff has reviewed the subject file for vehicle dismantling yard, or junk and salvage yard, or vehicle impounding yard uses and reviewed several CUP files to determine that the city has consistently required that the perimeter walls be setback a minimum of a 5-foot from the property line. CMC Section 9148.1 provides a more stringent standard in areas where public parking is provided to ensure that the wall is placed at the rear of the parking area (i.e. further inside the property so the parking can be seen from the street). There is no interpretation of Section 9148.1 that would support the ability to provide an 8-foot wall along the property line immediately adjacent to the public street.

Required Findings: Variance

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

1. 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 applicant requests a variance from CMC Section 9148.1 (B) (Vehicle Dismantling Yards, Junk and Salvage Yards, Vehicle Impounding Yards) for the existing walls located along Broadway and Main Street to maintain a zero setback and for the wall on Broadway to remain at 6-feet in height. The applicant has stated that the unique circumstances of the pie shape and size of the property will cause a hardship to the



business with the strict application of the code and denies a privilege enjoyed by property owners to the north who have rectangular shaped properties with more square footage development potential.

On May 28, 2013, the Planning Commission determined there are special circumstances applicable to the subject property, including size, shape, topography, location of surroundings that would justify a variance from CMC Section 9148.1 for the required 8-foot wall height and minimum 5-foot setback. There was significant discussion and confusion associated with the discussion of the applicant's request for a variance from CMC Section 9148.1 for the required 8-foot wall height and minimum 5-foot setback. The staff report for the May 28, 2013 Planning Commission meeting indicated that staff identified findings associated with the topography (i.e. due to a difference in grade elevations between the subject property and the finished street improvements) that could be utilized to provide the necessary findings to deviate from the wall setback requirement along Main Street. The Planning Commission discussion related to Broadway did not provide the same level of detail related to findings to support the variance from both the wall setback requirement and the required wall height.

There needs to be care in identifying findings related to Broadway so a precedent is not established that would allow other properties to seek relief from the setback requirements. Of particular note is the discussion related to the length of the property. Staff does not believe this would be an appropriate finding since other properties in the area have similar or greater street frontages and have been required to comply with setback requirements. The only unusual feature associated with the subject property appears to be related to the shape. Staff has included a finding to support a variance from the required setback and wall height since the subject property is 1.26 acres in a pie shape and provides limited area for the full use and enjoyment of the property for business operations. The properties north of the subject site are rectangular in size and shape, the existing pie shape size of the subject lot provides a special circumstance that denies the property owner the privilege of optimum development opportunities being enjoyed by the property owners to the north with rectangular shaped properties.

The Planning Commission is required by the CMC to determine that the project will be compatible in design with existing and anticipated development in the vicinity, including the aspects of site planning, land coverage, landscaping, appearance and scale of structures, open spaces, and other features relative to a harmonious and attractive development of the area. The Planning Commission is reminded that the variance pertains to special circumstances applicable to the property. As such, should there be a change of business use or ownership, the property will continue to enjoy the privilege of not meeting setback requirements along both street frontages. The public hearing was continued to the June 11, 2013 Planning Commission meeting to allow further testimony and consideration. Provided for discussion



purposes is a revised resolution reflecting the minority position of the Planning Commission based upon the May 28, 2013 meeting.

Environmental Review

Pursuant to Section 15332 "In-Fill Development Projects" of the California Environmental Quality Act (CEQA), the construction of a new office building is considered an in-fill development that does not have the potential for causing a significant effect on the environment. Thus, the proposed project is found to be categorically exempt.

III. Recommendation

That the Planning Commission:

WAIVE further reading and **ADOPT** Resolution No. _____, entitled "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON APPROVING DESIGN OVERLAY REVIEW NO. 1477-13 AND MODIFICATION NO. 2 TO CONDITIONAL USE PERMIT NO. 468-98 AND APPROVING VARIANCE NO. 540-13 TO REDUCE THE SETBACK ALONG MAIN STREET AND FOR ZERO SETBACK AND LESS THAN AN 8' FOOT HIGH WALL ALONG BROADWAY FOR A VEHICLE IMPOUND YARD LOCATED AT 19135 S. MAIN STREET."

IV. Exhibits

1. Draft Resolution
2. Alternative Draft Resolution

Prepared by: 
Zak Gonzalez II, Associate Planner

Reviewed by:


John F. Signo, AICP, Senior Planner

Approved by:


Sheri Repp, Planning Officer

CITY OF CARSON
PLANNING COMMISSION
RESOLUTION NO. -

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON APPROVING DESIGN OVERLAY REVIEW NO. 1477-13 AND MODIFICATION NO. 2 TO CONDITIONAL USE PERMIT NO. 468-98 AND APPROVING VARIANCE NO. 540-13 TO REDUCE THE SETBACK ALONG MAIN STREET AND FOR ZERO SETBACK AND LESS THAN AN 8-FOOT HIGH WALL ALONG BROADWAY FOR A VEHICLE IMPOUND YARD LOCATED AT 19135 S. MAIN 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 property owner, Mike Pourtemour, with respect to real property located at 19135 S. Main Street, and described in Exhibit "A" attached hereto, requesting the approval of Design Overlay Review No. 1477-13 (DOR) to construct an office and service building, Modification No. 2 to Conditional Use Permit No. 468-98 (CUP) to amend conditions of approval and Variance No. 540-13 to retain existing walls on Main Street and Broadway by eliminating the requirement for a project boundary wall of a minimum height of 8 feet and with a setback of 5 feet from the lot line along all frontages abutting a public street as required by Section 9148.1 (B) of the Carson Municipal Code (CMC) for a vehicle impound yard. The subject property is zoned MH-D (Manufacturing, Heavy-Design Overlay) and located at 19135 S. Main Street.

A public hearing was duly held on May 28, 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 General Plan designates the property for Heavy Industrial, which is compatible with the proposed vehicle impound use. The proposed office and service building will be consistent with the surrounding industrial uses and Goodyear airship operations. Thus, the proposed use is appropriate for the subject property subject to compliance with these conditions and Carson Municipal Code Section 9148.1.
- b) The project will be compatible in design with existing and anticipated development in the vicinity, including the aspects of site planning, land coverage, landscaping, appearance and scale of structures, open spaces, and other features relative to a harmonious and attractive development of the area.

The boundary walls will effectively shield view of the impound yard from the public right of way. Only a small portion of the proposed building will be visible from the parking area and Main Street.

- c) The site is adequate in size, shape, topography, location, utilities, and other factors to accommodate the proposed use and development with approval of the variance request to reduce the setback for a portion of the wall located along Main Street and for a zero setback and wall height less than 8 feet high for the wall along Broadway. The proposed project is compatible with the surrounding heavy industrial uses and Goodyear airship operations.
- d) The proposed project provides 8 parking spaces and meets the requirements of Section No. 9148.1(D), Vehicle Impounding Yard parking, of the Carson Municipal Code (CMC). The Traffic Engineer has reviewed the proposed site plan and has determined that circulation and parking on the site and on the adjacent public streets will not be adversely impacted. Safety and convenience of vehicular and pedestrian access are provided.
- e) All future building signs will comply with signage requirements.
- f) The applicant requests a variance from Section 9148.1(B) of the CMC, that requires a project boundary wall of a minimum eight (8) feet height and with a setback of five (5) feet from the lot line along all frontages abutting a public street. The five (5) foot setback is required to be landscaped in a neat, attractive manner and shall be equipped with an irrigation system. Pursuant to Section 9172.22 of the CMC, variance requests 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 the property of privileges enjoyed by other property in the vicinity and under identical zoning classification. There is an unusual, individual circumstance applicable to the property when compared to other properties along Broadway and Main Street that supports the granting of a variance for the wall on Broadway and Main Street to have a setback of zero feet from the lot line and for the wall along Broadway to be less than the minimum eight (8) feet height. The subject property is 1.26 acres in a pie shape and provides limited area for the full use and enjoyment of the property for business operations. This irregular pie shape and size deprives the property privileges enjoyed by abutting properties to the north that are developed with more useable rectangular shape and size. The subject property maintains a higher grade elevation along Main Street that establishes a constraint in meeting a conventional landscape setback since the property is higher than the adjoining sidewalk.
- g) The proposed development plan for an office and service building for the existing vehicle impound yard operation meet the goals and objectives of the General Plan and are consistent with applicable zoning and design regulations. Therefore all of the required findings pursuant to Section 9172.23 (D), Design Overlay Review and Section 9172.21 (D), Conditional Use Permit, can be made in the affirmative.



Section 4. The Planning Commission further finds that the proposed project will not have a significant effect on the environment. The proposed use will not alter the predominantly heavy industrial character of the surrounding area and will meet or exceed all City standards for protection of the environment. Therefore, the proposed project is found to be categorically exempt under Section 15332 "In-Fill Development Projects" of the CEQA (California Environmental Quality Act) Guidelines.

Section 5. Based on the aforementioned findings, the Commission hereby approves Design Overlay Review No. 1477-13, Modification No. 2 to Conditional Use Permit No. 468-98, and approves Variance No. 540-13 along Broadway and Main Street, 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 11TH DAY OF JUNE 2013

CHAIRMAN

ATTEST:

SECRETARY



CITY OF CARSON
EXHIBIT "B"
CONDITIONS OF APPROVAL
DESIGN OVERLAY NO. 1477-13
MODIFICATION NO. 2 TO CONDITIONAL USE PERMIT NO. 468-98
AND VARIANCE NO. 540-13

PLANNING DIVISION GENERAL CONDITIONS

1. If Design Overlay Review No. 1477-13, Modification No. 2 to Conditional Use Permit No. 468-98 and Variance No. 530-13 is not used within one year of its effective date said permit shall be declared null and void unless an extension of time is previously approved by the Planning Commission.
2. The applicant shall comply with all city, county, state and federal regulations applicable to this project.
3. The applicant shall make any necessary site plan and design revisions to the site plan approved by the Planning Commission as Exhibit "C-1" in order to comply with all the conditions of approval and applicable Zoning Ordinance provisions. Substantial revisions will require review by the Planning Commission.
4. ~~The applicant shall make any necessary site plan and design revisions in order to comply with all the conditions of approval and applicable Zoning Ordinance provisions.~~
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 permit(s) 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 days.
7. All buildings, grounds, parking areas and landscaping shall be maintained in a neat and orderly manner at all times.
8. ~~Within forty eight hours of approval of the subject project, the applicant shall deliver to the Planning Division a cashier's check or money order payable to the County Clerk in the amount of \$25.00 (twenty five dollars) pursuant to AB 3185, Chapter 1706, Statutes of 1990, to enable the city to file the Notice of~~



~~Determination required under Public Resources Code Section 21152 and 14 California Code of Regulations 15075. If within such forty-eight hour period the applicant has not delivered to the Planning Division the above-noted cashier's check or money order, the approval for the project granted herein may be considered automatically null and void.~~

9. ~~In addition, should the Department of Fish and Game reject the Certificate of Fee Exemption filed with the Notice of Determination and require payment of fees, the applicant shall deliver to the Development Services Group, within forty-eight hours of notification, a cashier's check or money order payable to the County Clerk in the amount of \$1,250 (one thousand two hundred fifty dollars) pursuant to AB 3158, Chapter 1706, Statutes of 1990. If this fee is imposed, the subject project shall not be operative, vested or final unless and until the fee is paid.~~
10. 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.
11. 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.

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. Parking spaces shall be identified (marked) as provided in Section 9162.56 of the Zoning Ordinance.
15. Parking spaces shall be provided with perimeter guards as provided in Section 9162.55 of the Zoning Ordinance.
16. All areas used for the movement parking, loading, repair or storage of vehicles shall be paved with concrete or asphaltic concrete to a minimum thickness of three and one-half inches over four inches of crushed aggregate base.
17. Compact spaces shall be properly designated pursuant to Section 9162.43 of the Zoning Ordinance.
18. Parking for handicapped shall comply with the requirements of Section 9162.42 of the Zoning Ordinance.
19. The applicant shall prohibit the parking of any vehicles associated with the subject property from parking on any unpaved area located along the perimeter of the site.

20. The owner/applicant shall comply to CMC Section 9148.1 by providing a minimum of 8 guest parking spaces.

LANDSCAPING/IRRIGATION

- ~~21. The applicant shall submit two sets of landscaping and irrigation plans drawn, stamped, and signed by a licensed landscape architect. Such plans are to be approved by the Planning Division prior to the issuance of any business license building permit.~~
22. The applicant shall comply with the provisions of Section 9168 of the Zoning Ordinance, "Water Efficient Landscaping."
23. A minimum of 6" x 6" concrete curbs are required around all landscaped planter areas as deemed necessary by the Planning Division. The landscape plans shall provide any necessary corrections to adjust for the proposed street improvements, including but not limited to the intended grade upon completion of sidewalk, curb, gutter and other improvements. A landscape bond may be approved by the Planning Division if deemed necessary to achieve efficiency with the anticipated Broadway Street Improvement Plans.
- ~~24. Landscaping shall be provided with a permanently installed, automatic irrigation system and operated by an electrically timed controller station set for early morning or late evening irrigation. A ten foot landscape setback shall be provided along Broadway Street. Landscape and irrigation modifications may be required for the planter area adjacent to the wall on Main Street to achieve consistency with the new landscape areas.~~
25. Landscaping and irrigation plans include, but are not limited to:
- a. Vine-like landscaping along perimeter walls;
 - b. Annual flowers wherever possible in areas with high public viewing;
 - c. Irrigation system designed to commercial grade standards.
- ~~26. The applicant shall contact the City's tree maintenance supervisor regarding the type, planting and maintenance of street trees.~~
- ~~27. Twenty-five feet of landscaping shall be placed along Main Street and Broadway.~~

FENCES/WALLS/Security Cameras

- ~~28. Perimeter wall along Broadway Street shall be eight feet in height and shall not have barbed wire or similar within view of the public right of way. The perimeter walls shall be placed directly behind the 25 feet of landscaping. Alternative perimeter wall design may be approved by the Planning Division provided that adequate security and design elements are~~

~~achieved. Wrought Iron fencing shall be provided fronting the new 8 parking space area along Main Street. To ensure public safety, security cameras shall be provided linked to the Los Angeles County Sheriff Office.~~

29. The applicant shall provide written verification of obtaining a permit from the Waste Management Division of the County of Los Angeles for the underground fuel storage tank removed in 1987 without proper permits. The applicant shall comply with any requirements associated with the issuance of said permits and shall complete all necessary requirements in a timely manner.

TRASH

30. ~~The trash enclosure(s) shall be located on a four-inch concrete pad screened by a six-foot high decorative concrete block wall.~~

PUBLIC SAFETY DEPARTMENT

31. Trees should be maintained at a height not less than 10 feet to prevent potential hiding area.
32. All hedges, shrubbery and/or bushes should be maintained at a height not exceed 2 ½ feet to prevent hiding areas.
33. Exterior landscaping and parking areas should be well lit in order to prevent any potential criminal activities.

REVENUE DIVISION

34. All parties involved in the project, including but not limited to contractors and subcontractors, will need to obtain a City business license.

ENGINEERING SERVICES DIVISION

35. ~~A construction permit is required for any work to be done in the public right-of-way.~~
36. ~~Construct full width sidewalk with tree well, curb and gutter along Broadway from northerly property line to Main Street per City Standard Nos. 117 & 108. Join existing curb and gutter at the corner of Main St. and Broadway.~~
37. ~~Install approved parkway trees along Broadway per City Standard Nos. 117, 132, 133, and 134.~~

- ~~38. Install three (3) marbelite streetlights along Broadway. Street lighting system and plan must be reviewed and approved by the Los Angeles County Department of Public Works.~~
- ~~39. Remove existing asphalt pavement and dirt on Broadway (northbound) and replace with 6" A.C. over 14" C.A.B. to join existing pavement.~~
- ~~40. Remove and replace existing broken curb and gutter at the corner of Main and Broadway.~~
- ~~41. Construction plan should be submitted to the Engineering Services Department subject to the approval of the City Engineer.~~
- ~~42. Prior to issuance of business license, the following must be on file:
 - ~~a. Drainage/Grading plan as approved by the Los Angeles County Department of Public Works.~~
 - ~~b. Construction bond as required for all work to be done within the public right of way.~~
 - ~~c. Proof of Worker's Compensation and Liability Insurance.~~~~
- ~~43. Any improvement damaged during the construction shall be removed and reconstructed per City standard plan and to the satisfaction of the City Engineer.~~
- ~~44. The applicant shall provide a paved surface from the subject property to Main Street subject to the satisfaction of the City Engineer.~~

FIRE DEPARTMENT - COUNTY OF LOS ANGELES

- 45. All requirements by the Los Angeles County Fire Department shall be complied with.*

65.641. ENGINEERING SERVICES DEPARTMENT - CITY OF CARSON

GENERAL

- 46. Any existing off-site improvements damaged during construction shall be removed and reconstructed per City of Carson Standard plan and to the satisfaction of the City Engineer.*
- 47. A construction permit is required for any work to be done in the public right-of-way.*
- 48. Proof of Worker's Compensation and Liability Insurance.*

BUILDING PERMITS

*Prior to issuance of **Building Permit**, the proposed development is subject to the following:*

49. The Developer shall submit a copy of approved Grading plans, if any, to the City of Carson – Engineering Division.
50. The Developer shall submit improvement plans to the Engineering Services Division showing all the required improvements in the public right of way for review and approval of the City Engineer. A copy of approved conditions of approval shall be attached to the plans when submitted.
51. Construction bond for all work to be done within the public right of way shall be submitted and approved by Engineering Services Division.

CERTIFICATE OF OCCUPANCY

Prior to issuance of **Certificate of Occupancy**, the proposed development is subject to the following:

52. The Developer shall install separate sewer laterals to individually serve each building in the development. Installation and dedication of main line sewers may be necessary to meet this requirement.
53. The Developer shall execute and provide to the City Engineer, a written statement from the water purveyor indicating that the water system will be operated by the purveyor and that under normal conditions, the system will meet the requirements for the development and that water service will be provided to each building.
 - a) Comply with mitigation measures recommended by the water purveyor.
- ~~54. Repair any broken or raised/sagged sidewalk, curb and gutter, if any, along Main Street per City of Carson Standard and to the satisfaction of the City Engineer.~~
55. The Developer shall annex the area to the L.A. County Lighting Maintenance District, for the purpose of operating and maintaining existing street lights and streetlights to be installed. The annexation shall be to the satisfaction of L.A. County Street Lighting Division and shall be completed prior to the issuance of Certificate of Occupancy. (annexation procedure is approximately 12-months)
56. The developer shall construct new driveway approach on Broadway per City of Carson Standard and in compliance with the ADA requirements. Elevation of the proposed driveway approach shall be consistent with the city's street improvement plan prepared by the city for Broadway. Developer is advised to coordinate the work with the city's Engineering Services Division to make sure that the proposed driveway approach elevation is consistent with the city's street improvement plan. The Developer shall protect or relocate any facilities to accommodate the proposed driveway approach. The maximum driveway approach width allowed for the site is 30 feet.
57. All new utility lines, servicing the proposed development abutting the proposed development shall be underground to the satisfaction of the City Engineer.

- ~~58. Streets abutting the development, with new utility trench cuts to serve the development, shall be slurry sealed from curb-to-curb or from median-to-curb when medians are existing or as approved by the City Engineer. Slurry Seal materials shall be rubberized emulsion aggregate slurry (REAS)~~
- ~~59. All infrastructures necessary to serve the proposed development (water, sewer, storm drain, and street improvements) shall be in operation prior to the issuance of Certificate of Occupancy.~~

CITY OF CARSON
PLANNING COMMISSION
ALTERNATIVE RESOLUTION

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON APPROVING DESIGN OVERLAY REVIEW NO. 1477-13 AND MODIFICATION NO. 2 TO CONDITIONAL USE PERMIT NO. 462-98 AND APPROVING VARIANCE NO. 540-13 TO REDUCE THE SETBACK ALONG MAIN STREET FOR A VEHICLE IMPOUND YARD LOCATED AT 19135 S. MAIN 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 property owner, Mike Pourtemour, with respect to real property located at 19135 Main Street, and described in Exhibit "A" attached hereto, requesting the approval of Design Overlay Review No. 1477-13 (DOR) to construct an office and service building, Modification No. 2 to Conditional Use Permit No. 462-98 (CUP) to amend conditions of approval and Variance No. 540-13 to retain existing walls on Main Street and Broadway Street by eliminating the requirement for a project boundary wall of a minimum 8 feet height and with a setback of 5 feet from the lot line along all frontages abutting a public street as required by Section 9148.1 (B) of the Carson Municipal Code (CMC) for a vehicle impound yard. The subject property is zoned MH-D (Manufacturing, Heavy-Design Overlay) and located at 19135 S. Main Street.

A public hearing was duly held on May 28, 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 General Plan designates the property for Heavy Industrial, which is compatible with the proposed vehicle impound use. The proposed office and service building will be consistent with the surrounding industrial uses and Goodyear airship operations. Thus, the proposed use is appropriate for the subject property subject to compliance with these conditions and Carson Municipal Code Section 9148.1.
- b) The project upon completing landscape improvements along Broadway and Main Streets will be compatible in design with existing and anticipated development in the vicinity, including the aspects of site planning, land coverage, landscaping, appearance and scale of structures, open spaces, and other features relative to a harmonious and attractive development of the area.



The boundary walls will effectively shield view of the impound yard from the public right of way. Only a small portion of the proposed building will be visible from the parking area and Main Street.

- c) The site is adequate in size, shape, topography, location, utilities, and other factors to accommodate the proposed use and development with approval of the variance request for a reduction in setback for a portion of wall located along Main Street. The proposed project is compatible with the surrounding heavy industrial uses. The site is 1.26 acres, relatively flat, and is located in a predominately heavy industrial area.
- d) The proposed project provides 8 parking spaces and meets the requirements of Section No. 9148.1(D), Vehicle Impounding Yard parking, of the Carson Municipal Code (CMC). The Traffic Engineer has reviewed the proposed site plan and has determined that circulation and parking on the site and on the adjacent public streets will not be adversely impacted. Safety and convenience of vehicular and pedestrian access are provided.
- e) All future building signs will comply with signage requirements.
- f) The applicant requests a variance from Section 9148.1(B) of the CMC, that requires a project boundary wall of a minimum eight (8) feet height and with a setback of five (5) feet from the lot line along all frontages abutting a public street. The five (5) foot setback is required to be landscaped in a neat, attractive manner and shall be equipped with an irrigation system. Pursuant to Section 9172.22 of the CMC, variance requests 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 the property of privileges enjoyed by other property in the vicinity and under identical zoning classification. The subject property is at the same grade as Broadway. The existing wall is damaged, of insufficient height and the lack of a landscape setback is inconsistent with the surrounding area. There is not an unusual, individual circumstance applicable to the property when compared to other properties along Broadway. The property is at a prominent location at the corner of two major roadways and landscaping is appropriate to soften views of the area. This City will be improving Broadway in the future and landscaping on adjacent properties, including the subject property, is desirable. Therefore, there is no special circumstance associated with the subject property that supports the granting of a variance for the wall on Broadway to be less than the minimum eight (8) feet height and with a setback of five (5) feet from the lot line.
- g) There is an unusual, individual circumstance applicable to the property when compared to other properties along Main Street that supports the granting of a variance for the wall on Main Street to have a setback of zero feet from the lot line. The subject property is 1.26 acres in a pie shape and provides limited area for the full use and enjoyment of the property for business operations. This irregular pie shape and size deprives the property privileges enjoyed by abutting properties to the north that are developed with more useable



rectangular shape and size properties. The subject property maintains a higher grade elevation along Main Street that establishes a constraint in meeting a conventional landscape setback since the property is higher than the adjoining sidewalk.

- h) The proposed development plan for an office and service building for the existing vehicle impound yard operation meet the goals and objectives of the General Plan and are consistent with applicable zoning and design regulations. Therefore all of the required findings pursuant to Section 9172.23 (D), Design Overlay Review and Section 9172.21 (D), Conditional Use Permit, can be made in the affirmative.

Section 4. The Planning Commission further finds that the proposed project will not have a significant effect on the environment. The proposed use will not alter the predominantly heavy industrial character of the surrounding area and will meet or exceed all City standards for protection of the environment. Therefore, the proposed project is found to be categorically exempt under Section 15332 "In-Fill Development Projects" of the CEQA (California Environmental Quality Act) Guidelines.

Section 5. Based on the aforementioned findings, the Commission hereby approves Design Overlay Review No. 1477-13, Modification No. 2 to Conditional Use Permit No. 462-98, and approves Variance No. 540-13 along Main Street, 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 ____ DAY OF ____ . 2013

CHAIRMAN

ATTEST:

SECRETARY



CITY OF CARSON
EXHIBIT "B"
CONDITIONS OF APPROVAL
DESIGN OVERLAY NO. 1477-13
MODIFICATION NO. 2 TO CONDITIONAL USE PERMIT NO. 468-98
AND VARIANCE NO. 540-13

PLANNING DIVISION GENERAL CONDITIONS

1. If Design Overlay Review No. 1477-13, Modification No. 2 to Conditional Use Permit No. 468-98 and Variance No. 530-13 is not used within one year of its effective date said permit shall be declared null and void unless an extension of time is previously approved by the Planning Commission.
2. The applicant shall comply with all city, county, state and federal regulations applicable to this project.
3. The applicant shall make any necessary site plan and design revisions to the site plan approved by the Planning Commission as Exhibit "C-1" in order to comply with all the conditions of approval and applicable Zoning Ordinance provisions. Substantial revisions will require review by the Planning Commission.
4. ~~The applicant shall make any necessary site plan and design revisions in order to comply with all the conditions of approval and applicable Zoning Ordinance provisions.~~
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 permit(s) 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 days.
7. All buildings, grounds, parking areas and landscaping shall be maintained in a neat and orderly manner at all times.
8. ~~Within forty eight hours of approval of the subject project, the applicant shall deliver to the Planning Division a cashier's check or money order payable to the County Clerk in the amount of \$25.00 (twenty five dollars) pursuant to AB 3185, Chapter 1706, Statutes of 1990, to enable the city to file the Notice of~~

~~Determination required under Public Resources Code Section 21152 and 14 California Code of Regulations 15075. If within such forty-eight hour period the applicant has not delivered to the Planning Division the above-noted cashier's check or money order, the approval for the project granted herein may be considered automatically null and void.~~

9. ~~In addition, should the Department of Fish and Game reject the Certificate of Fee Exemption filed with the Notice of Determination and require payment of fees, the applicant shall deliver to the Development Services Group, within forty-eight hours of notification, a cashier's check or money order payable to the County Clerk in the amount of \$1,250 (one thousand two hundred fifty dollars) pursuant to AB 3158, Chapter 1706, Statutes of 1990. If this fee is imposed, the subject project shall not be operative, vested or final unless and until the fee is paid.~~
10. 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.
11. 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.

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. Parking spaces shall be identified (marked) as provided in Section 9162.56 of the Zoning Ordinance.
15. Parking spaces shall be provided with perimeter guards as provided in Section 9162.55 of the Zoning Ordinance.
16. All areas used for the movement parking, loading, repair or storage of vehicles shall be paved with concrete or asphaltic concrete to a minimum thickness of three and one-half inches over four inches of crushed aggregate base.
17. Compact spaces shall be properly designated pursuant to Section 9162.43 of the Zoning Ordinance.
18. Parking for handicapped shall comply with the requirements of Section 9162.42 of the Zoning Ordinance.
19. The applicant shall prohibit the parking of any vehicles associated with the subject property from parking on any unpaved area located along the perimeter of the site.

20. The owner/applicant shall comply to CMC Section 9148.1 by providing a minimum of 8 *guest* parking spaces.

LANDSCAPING/IRRIGATION

21. The applicant shall submit two sets of landscaping and irrigation plans ~~drawn, stamped, and signed by a licensed landscape architect~~. Such plans are to be approved by the Planning Division prior to the issuance of any ~~business license-building permit~~.
22. The applicant shall comply with the provisions of Section 9168 of the Zoning Ordinance, "Water Efficient Landscaping."
23. A minimum of 6" x 6" concrete curbs are required around all landscaped planter areas *as deemed necessary by the Planning Division*. The landscape plans shall provide any necessary corrections to adjust for the proposed street improvements, including but not limited to the intended grade upon completion of sidewalk, curb, gutter and other improvements. *A landscape bond may be approved by the Planning Division if deemed necessary to achieve efficiency with the anticipated Broadway Street Improvement Plans.*
24. Landscaping shall be provided with a permanently installed, automatic irrigation system and operated by an electrically timed controller station set for early morning or late evening irrigation. *A ~~ten~~ five foot landscape setback shall be provided along Broadway Street. Landscape and irrigation modifications may be required for the planter area adjacent to the wall on Main Street to achieve consistency with the new landscape areas.*
25. Landscaping and irrigation plans include, but are not limited to:
- Vine-like landscaping along perimeter walls;
 - Annual flowers ~~wherever possible in areas with high public viewing~~;
 - Irrigation system designed to commercial grade standards.
- ~~26. The applicant shall contact the City's tree maintenance supervisor regarding the type, planting and maintenance of street trees.~~
- ~~27. Twenty-five feet of landscaping shall be placed along Main Street and Broadway.~~

FENCES/WALLS/Security Cameras

28. Perimeter wall along Broadway Street shall be eight feet in height and shall not have barbed wire or similar within view of the public right of way. ~~The perimeter walls shall be placed directly behind the 25 feet of landscaping.~~ Alternative perimeter wall design may be approved by the Planning Division provided that adequate security and design elements are achieved. Wrought Iron fencing shall

be provided fronting the new 8 parking space area along Main Street. ~~To ensure public safety, security cameras shall be provided linked to the Los Angeles County Sheriff Office.~~

29. The applicant shall provide written verification of obtaining a permit from the Waste Management Division of the County of Los Angeles for the underground fuel storage tank removed in 1987 without proper permits. The applicant shall comply with any requirements associated with the issuance of said permits and shall complete all necessary requirements in a timely manner.

TRASH

30. ~~The trash enclosure(s) shall be located on a four-inch concrete pad screened by a six-foot high decorative concrete block wall.~~

PUBLIC SAFETY DEPARTMENT

31. Trees should be maintained at a height not less than 10 feet to prevent potential hiding area.
32. All hedges, shrubbery and/or bushes should be maintained at a height not exceed 2 ½ feet to prevent hiding areas.
33. Exterior landscaping and parking areas should be well lit in order to prevent any potential criminal activities.

REVENUE DIVISION

34. All parties involved in the project, including but not limited to contractors and subcontractors, will need to obtain a City business license.

ENGINEERING SERVICES DIVISION

35. ~~A construction permit is required for any work to be done in the public right of way.~~
36. ~~Construct full width sidewalk with tree well, curb and gutter along Broadway from northerly property line to Main Street per City Standard Nos. 117 & 108. Join existing curb and gutter at the corner of Main St. and Broadway.~~
37. ~~Install approved parkway trees along Broadway per City Standard Nos. 117, 132, 133, and 134.~~

- ~~38. Install three (3) marbelite streetlights along Broadway. Street lighting system and plan must be reviewed and approved by the Los Angeles County Department of Public Works.~~
- ~~39. Remove existing asphalt pavement and dirt on Broadway (northbound) and replace with 6" A.C. over 14" C.A.B. to join existing pavement.~~
- ~~40. Remove and replace existing broken curb and gutter at the corner of Main and Broadway.~~
- ~~41. Construction plan should be submitted to the Engineering Services Department subject to the approval of the City Engineer.~~
- ~~42. Prior to issuance of business license, the following must be on file:~~
- ~~a. Drainage/Grading plan as approved by the Los Angeles County Department of Public Works.~~
 - ~~b. Construction bond as required for all work to be done within the public right of way.~~
 - ~~c. Proof of Worker's Compensation and Liability Insurance.~~
- ~~43. Any improvement damaged during the construction shall be removed and reconstructed per City standard plan and to the satisfaction of the City Engineer.~~
- ~~44. The applicant shall provide a paved surface from the subject property to Main Street subject to the satisfaction of the City Engineer.~~

FIRE DEPARTMENT - COUNTY OF LOS ANGELES

- 45. All requirements by the Los Angeles County Fire Department shall be complied with.*

65.641. ENGINEERING SERVICES DEPARTMENT - CITY OF CARSON

GENERAL

- 46. Any existing off-site improvements damaged during construction shall be removed and reconstructed per City of Carson Standard plan and to the satisfaction of the City Engineer.*
- 47. A construction permit is required for any work to be done in the public right-of-way.*
- 48. Proof of Worker's Compensation and Liability Insurance.*

BUILDING PERMITS

Prior to issuance of Building Permit, the proposed development is subject to the following:

49. The Developer shall submit a copy of approved Grading plans, if any, to the City of Carson – Engineering Division.
50. The Developer shall submit improvement plans to the Engineering Services Division showing all the required improvements in the public right of way for review and approval of the City Engineer. A copy of approved conditions of approval shall be attached to the plans when submitted.
51. Construction bond for all work to be done within the public right of way shall be submitted and approved by Engineering Services Division.

CERTIFICATE OF OCCUPANCY

Prior to issuance of **Certificate of Occupancy**, the proposed development is subject to the following:

52. The Developer shall install separate sewer laterals to individually serve each building in the development. Installation and dedication of main line sewers may be necessary to meet this requirement.
53. The Developer shall execute and provide to the City Engineer, a written statement from the water purveyor indicating that the water system will be operated by the purveyor and that under normal conditions, the system will meet the requirements for the development and that water service will be provided to each building.
 - a) Comply with mitigation measures recommended by the water purveyor.
- ~~54. Repair any broken or raised/sagged sidewalk, curb and gutter, if any, along Main Street per City of Carson Standard and to the satisfaction of the City Engineer.~~
55. The Developer shall annex the area to the L.A. County Lighting Maintenance District, for the purpose of operating and maintaining existing street lights and streetlights to be installed. The annexation shall be to the satisfaction of L.A. County Street Lighting Division and shall be completed prior to the issuance of Certificate of Occupancy. (annexation procedure is approximately 12-months)
56. The developer shall construct new driveway approach on Broadway per City of Carson Standard and in compliance with the ADA requirements. Elevation of the proposed driveway approach shall be consistent with the city's street improvement plan prepared by the city for Broadway. Developer is advised to coordinate the work with the city's Engineering Services Division to make sure that the proposed driveway approach elevation is consistent with the city's street improvement plan. The Developer shall protect or relocate any facilities to accommodate the proposed driveway approach. The maximum driveway approach width allowed for the site is 30 feet.
57. All new utility lines, servicing the proposed development abutting the proposed development shall be underground to the satisfaction of the City Engineer.

58. If Sstreets abutting the development, with new utility trench cuts to serve the development, shall be slurry sealed from curb-to-curb or from median-to-curb when medians are existing or as approved by the City Engineer. Slurry Seal materials shall be rubberized emulsion aggregate slurry (REAS)
59. All infrastructures necessary to serve the proposed development (water, sewer, storm drain, and street improvements) shall be in operation prior to the issuance of Certificate of Occupancy, with the exception of Broadway.

