



## CITY OF CARSON

### PLANNING COMMISSION STAFF REPORT

PUBLIC HEARING: April 24, 2018

SUBJECT: Design Overlay Review No. 1579-15  
Variance No. 557-15

APPLICANT: Cliffhaven Companies, Inc.  
4340 Von Karmen Ave, #110  
Newport Beach, CA 92660

PROPERTY OWNER: Carson Dominguez Properties, L.P.  
100 Bayview Circle, Suite 3500  
Newport Beach, CA 92660

REQUEST: A second one-year extension of Design Overlay Review No. 1579-15 to construct a new 47,920 square foot neighborhood retail center and Variance No. 557-15 to allow a 25-foot building setback from University Drive at a 4.97 acre site zoned SP-2-CN (Dominguez Technology Center - Phase 2 - Specific Plan No. 2, Neighborhood Commercial).

PROPERTY INVOLVED: 1281 East University Drive

---

AYE	NO		AYE	NO	
		Chairman			Mitoma
		Vice-Chair Pimentel			Nunley
		Andrews			Thomas
		Cainglet			Alt. Osuna
		Fe'esago, Jr.			Alt. Palmer
		Guidry			Alt. Rashad

**I.** **Introduction**

**Property Owner**

Todd Burnight

Carson Dominguez Properties, LP  
100 Bayview Circle, Suite 3500  
Newport Beach, CA 92660  
(949) 725-6556

**Applicant**

Ralph Deppisch

Cliffhaven Companies, Inc.  
4340 Von Karmen Avenue, #110  
Newport Beach, CA 92660  
(949) 705-0426

[ralph@cliffhavenco.com](mailto:ralph@cliffhavenco.com)

**Representative**

Ralph Deppisch

Cliffhaven Companies, Inc.  
4340 Von Karmen Avenue, #110  
Newport Beach, CA 92660  
(949) 705-0426

[ralph@cliffhavenco.com](mailto:ralph@cliffhavenco.com)

**Background**

On May 10, 2016, the Planning Commission approved Resolution No. 16-2573 approving Design Overlay Review No. 1579-15 to construct a new 47,920 square foot neighborhood retail center and Variance No. 557-15 to reduce the building setback from University Drive from 100 feet to 25 feet. The approved motion incorporated language that required the proposed drive-through restaurant to be closed by 11:00 p.m. to address adjacent residential resident's concerns of noise and traffic impacts.

On May 9, 2017, the Planning Commission adopted Resolution No. 17-2603 approving a one-year extension of Design Overlay Review No. 1579-15 and Variance No. 557-15 for the project. The applicant has requested additional time to continue to reach out to the retail industry to secure quality national and regional tenants for the project site.

**III. Public Notice**

Public notice was posted to the project site on April 4, 2018. Notices were mailed to property owners and occupants on April 12, 2018. The agenda was posted at City Hall 72 hours prior to the Planning Commission meeting.

#### **IV. Recommendation**

That the Planning Commission:

- **APPROVE** a second one year extension of Design Overlay Review No. 1579-15; Variance No. 557-15; and
- **WAIVE** further reading and **ADOPT** Resolution No. 18- , entitled "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON APPROVING A SECOND ONE-YEAR EXTENSION OF DESIGN OVERLAY REVIEW NO. 1579-15 AN VARIANCE 557-15 ON A 4.97 ACRE PROJECT SITE IN AT 1281 E. UNIVERSITY DRIVE."

#### **V. Exhibits**

1. Draft Resolution
2. Zoning Map
3. Letter of Justification
4. Planning Commission Resolution No. 16-2573
5. Planning Commission Resolution No. 17-2603

Prepared by: Leila Carver, PTP, Planner

**CITY OF CARSON**  
**PLANNING COMMISSION**  
**RESOLUTION NO. 18-**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON APPROVING A SECOND ONE-YEAR EXTENSION OF DESIGN OVERLAY REVIEW NO. 1579-15 AND VARIANCE NO. 557-15 FOR THE CONSTRUCTION OF A NEW 47,920 SF NEIGHBORHOOD RETAIL CENTER LOCATED AT 1281 UNIVERSITY DRIVE**

**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, Ralph Deppisch, with respect to real property located at 1281 University Drive, and described in Exhibit "A" attached hereto, requesting a second one-year extension for the the following:

- Design Overlay Review No. 1579-15 to construct a new 47,920 neighborhood retail center on a property zoned SP-2-CN (Specific Plan No. 2, Neighborhood Commercial)
- Variance No. 557-15 to reduce the building setback from University Drive from 100 feet to 25 feet

A Planning Commission public hearing meeting was duly held on April 24, 2018 at 6:30 P.M. at City Hall, Helen Kawagoe 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.** With respect to the Design Overlay Review No. 1579-17, the Planning Commission found on May 10, 2016 that:

a) The proposed use and development is consistent with the General Plan, which designates the subject property for General Commercial use. The proposed retail, office and restaurant are permitted uses for a property zoned SP-2-CN (Specific Plan No. 2, Neighborhood Commercial and consistent with the General Plan Land Use designation.

b) The project is compatible with the architecture and design of existing and anticipated development in the area, including site planning, land coverage, landscaping, appearance, scale of structures and open space.

c) The project site is proposing adequate parking spaces and circulation will be provided to assure the convenience and safety of pedestrians and vehicles. The Traffic Engineer has determined that the access, circulation and proposed parking areas are



satisfactory and able to accommodate safe vehicle movements. The project site has direct access to University Drive and Central Avenue.

d) All proposed signage associated with this project will comply with the Carson Municipal Code provisions and will be reviewed and approved by the Planning Division prior to building occupancy.

e) All of the required findings pursuant to Section 9172.23, "Site Plan and Design Review," Approval Authority and Findings and Decision" can be made in the affirmative.

**Section 4.** With respect to the Variance No. 557-15, the Planning Commission found on May 10, 2016 that:

a) There are special circumstances applicable to the property which warrants approval of the requested variance. The project is located adjacent to an established residential neighborhood. Studies have shown that buildings oriented towards the street enhance pedestrian safety and improve the quality of neighborhood design. Thus, a project with a lower building setback, rather than a larger setback is preferred.

b) Surrounding properties in the same zoning district, such as the retail center at Avalon Boulevard and University Drive, have a 10 foot setback from University Drive. Therefore, approval of the request would not constitute a special privilege. It should be noted that these two properties general enjoy the same size and lot depth.

c) The required 100' setback from University Drive represents approximately 25% of the lot depth; therefore, placing an undue hardship on the development of property as other similar properties such as the retail center at University Drive and Avalon Boulevard the 10-foot setback represents approximately 2.5% of the lot depth.

**Section 5.** An analysis was performed pursuant CEQA Guidelines §15162 to determine whether subsequent environmental review were required for Design Overlay Review No. 1579-15 and Variance No. 557-15 (the "University Village Project"). Based upon this analysis the following findings were made on May 10, 2016:

a) The City conducted a Program EIR, pursuant to Section 15168 of the CEQA Guidelines, on the Dominguez Technology Specific Plan. The Specific Plan comprises the Dominguez Technology Center, a 288-acre project. The project changed the use from nursery and oil production to office, technology and business park. The project contemplates 4.7 million square feet of building space for office, technology and industrial uses, including 100,000 square feet of support commercial uses. The Dominguez Technology Center was projected to generate approximately 43,000 additional trips. The Program EIR addressed the impacts of the totality of the office, technology and business park uses that would be developed at the site, including the impacts of support commercial uses.

b) The University Village Project falls within the scope of the Program EIR, as it comprises approximately 48,000 square feet of support commercial space, and is consistent with the original purpose and intent of the Dominguez Technology Center and the Dominguez

Technology Specific Plan. City conducted an updated traffic impact study relating to the University Village Project.

c) No substantial changes in the project or its circumstances, or substantial new information has become available, that indicates that the project would now have a new or more severe impact. In this case, the proposed University Village Project is approximately 50,000 square feet smaller than what was approved in the specific plan. As such, the proposed project should result in less environmental impacts than the originally approved project.

Based upon these findings, it was determined that no further environmental documentation is required for the University Village Project.

**Section 6.** Based on the previous aforementioned findings that were approved on May 10, 2016, and that no modification is proposed to the University Village Project as part of the request, the Commission hereby approves a second one-year extension of Design Overlay Review No. 1579-15 and Variance No. 557-15 to allow the applicant additional time to continue to reach out to the retail industry to secure quality national and regional tenants for the project site.

**Section 7.** The Secretary shall certify to the adoption of the Resolution and shall transmit copies of the same to the applicant.

**Section 8.** 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 24<sup>th</sup> DAY OF APRIL, 2018**

---

**CHAIRPERSON**

**ATTEST:**

---

**SECRETARY**



## LEGAL DESCRIPTION

### EXHIBIT "A"

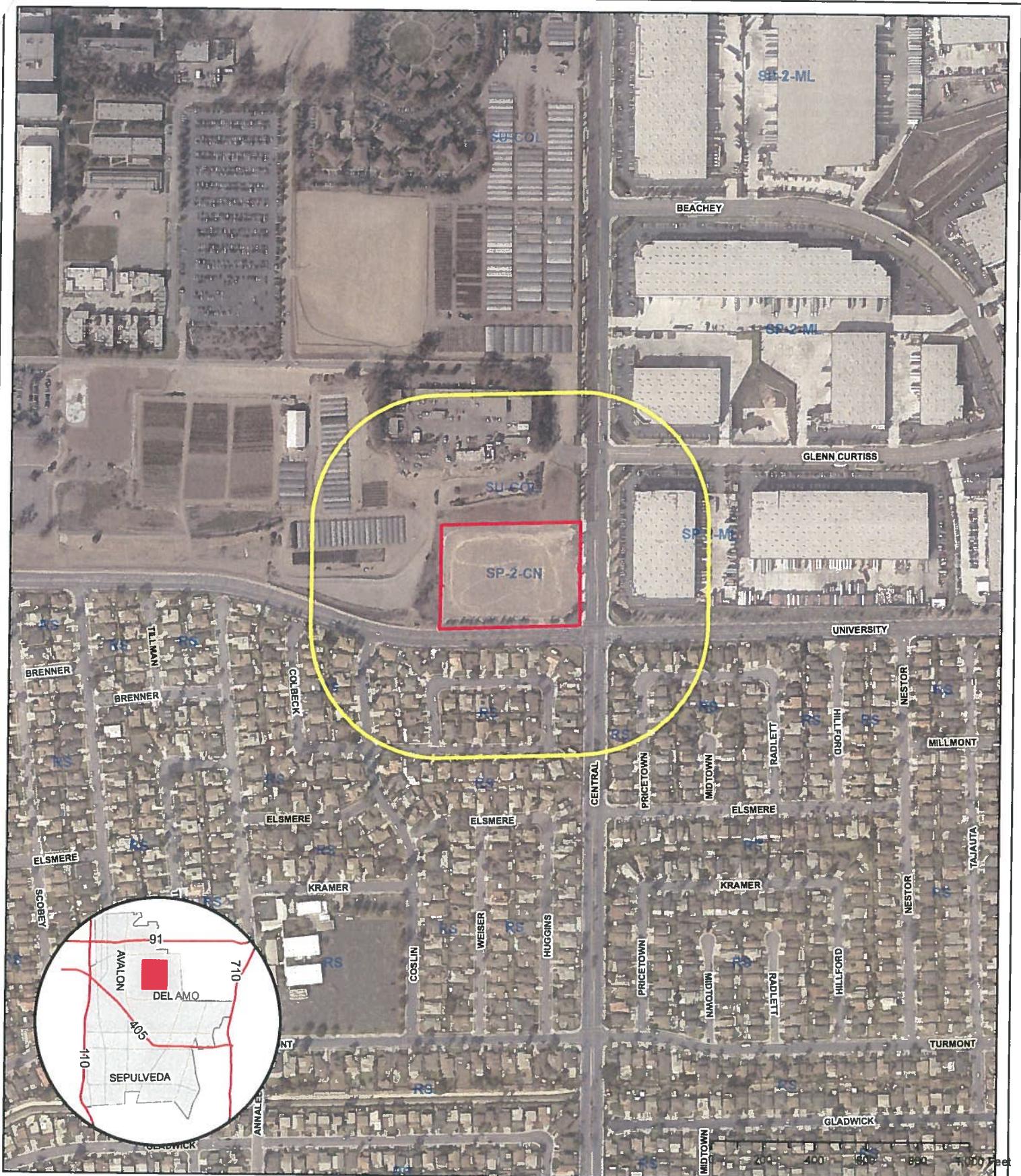
THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF CARSON, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

PARCEL 1 OF PARCEL MAP NO. 21929-01, IN THE CITY OF CARSON, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP FILED IN BOOK 278 PAGES 29 TO 34 INCLUSIVE OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPT ALL MINERALS AND ALL MINERAL RIGHTS OF EVERY KIND AND CHARACTER NOW KNOWN TO EXIT OR HEREAFTER DISCOVERED, INCLUDING, WITHOUT LIMITING THE GENERALITY OF THE FOREGOING, OIL, GAS, WATER AND RIGHTS THERETO, TOGETHER WITH THE SOLE EXCLUSIVE AND PERPETUAL RIGHTS TO EXPLORE FOR, REMOVE AND DISPOSE OF SAID MINERALS BY ANY MEANS OR METHODS SUITABLE TO GRANTEE HEREIN, ITS SUCCESSORS AND ASSIGNS, BUT WITHOUT ENTERING UPON OR USING THE SURFACE OF SAID LAND OR ANY PORTION OF THE SUBSURFACE WITHIN FIVE HUNDRED (500) FEET OF THE SURFACE AND IN SUCH MANNER AS NOT TO DAMAGE THE SURFACE IN OR UNDER SAID LAND, AS CONVEYED TO DOMINGUEZ ENERGY L.P., IN THE DEED RECORDED AUGUST 21, 1990 AS INSTRUMENT NO. 90-1450080, IN SAID OFFICE OF THE COUNTY RECORDER.

ASSESSOR'S PARCEL NO: 7319-039-001





**City of Carson**  
**500 Foot Radius Map**  
**1281 E. University Drive**

**EXHIBIT NO. 02**



Cliffhaven Companies  
4340 Von Karman Ave  
Suite #110  
Newport Beach, CA.92660  
Direct line: 949.705.0426  
Cell phone: 949.466.2875

City of Carson  
Development Services Group  
Planning Division  
701 E Carson Street  
Carson, CA.90745  
Attn: Zak Gonzalez II

Re: "University Village"--Second Extension Request  
1281 University Drive  
DOR No. 1579-15 & VAR. No. 557-15  
March 7, 2018

Mr. Gonzalez II,

On behalf of my client, Carson Companies, we respectfully request from the City and the Planning Commission an additional one year extension of the approvals that were granted in May of 2016 for the development of the "University Village" retail site at the NW corner of University and Central. The reason for our request remains the same, that is, we need this additional time to continue to reach out to the retail industry to secure the quality national and regional tenants/operators that will provide the services that the community/city would want to locate at University Village. In our original request for an extension we detailed the reasons why we were making this request and they remain the same for the most part.

As of this month it has been close to two years since we initiated a focused effort/campaign to meet the city's and community's desire to provide for a grocery anchored class "A" retail neighborhood center that would serve the needs of the community/city. We continue to work with the professional commercial brokers and retailers and other operators to secure the kinds of quality tenants/operators that this community/city deserves. We continue to be optimistic that we will be successful in this effort and are prepared to spend more time and dollars as necessary to make "University Village" a project that will be embraced by the City as well as raising the bar for excellence and design that the City will be proud of and can use as the new standard of design and planning for future projects.

Therefore, Carson Companies respectfully requests the Planning commission approve a one year extension effective May 10, 2018 and lasting until May 9, 2019

Ralph W. Deppisch—President—on behalf of Carson Companies, Inc

*Ralph W. Deppisch*  
Cliffhaven Companies, Inc

EXHIBIT NO. 03



CITY OF CARSON  
PLANNING COMMISSION  
RESOLUTION NO. 16-2573

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON APPROVING DESIGN OVERLAY REVIEW NO. 1579-15 AND VARIANCE NO. 557-15 FOR THE CONSTRUCTION OF A NEW 47,920 SF NEIGHBORHOOD RETAIL CENTER LOCATED AT 1281 UNIVERSITY DRIVE

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, Ralph Deppisch, with respect to real property located at 1281 University Drive, and described in Exhibit "A" attached hereto, requesting the following:

- Design Overlay Review No. 1579-15 to construct a new 47,920 neighborhood retail center on a property zoned SP-2-CN (Specific Plan No. 2, Neighborhood Commercial)

A Planning Commission public hearing meeting was duly held on May 10, 2016, at 6:30 P.M. at City Hall, Helen Kawagoe 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.** In regards to Section 9172.23, "Site Plan and Design Review," the Planning Commission finds that:

a) The proposed use and development is consistent with the General Plan, which designates the subject property for General Commercial use. The proposed retail, office and restaurant are permitted uses for a property zoned SP-2-CN (Specific Plan No. 2, Neighborhood Commercial and consistent with the General Plan Land Use designation).

b) The project is compatible with the architecture and design of existing and anticipated development in the area, including site planning, land coverage, landscaping, appearance, scale of structures and open space.

c) The project site is proposing adequate parking spaces and circulation will be provided to assure the convenience and safety of pedestrians and vehicles. The Traffic Engineer has determined that the access, circulation and proposed parking areas are satisfactory and able to accommodate safe vehicle movements. The project site has direct access to University Drive and Central Avenue.

d) All proposed signage associated with this project will comply with the Carson Municipal Code provisions and will be reviewed and approved by the Planning Division prior to building occupancy.

e) All of the required findings pursuant to Section 9172.23, "Site Plan and Design Review," Approval Authority and Findings and Decision" can be made in the affirmative.

**Section 4.** In regards to Section 9172.22, "Variance," the Planning Commission finds that:

Reso DOR No. 1579-15 & VAR 557-15

~~EXHIBIT NO. 2~~



EXHIBIT NO. 4

a) There are special circumstances applicable to the property which warrant approval of the requested variance. The project is located adjacent to an established residential neighborhood. Studies have shown that buildings oriented towards the street enhance pedestrian safety and improve the quality of neighborhood design. Thus, a project with a lower building setback, rather than a larger setback is preferred.

b) Surrounding properties in the same zoning district, such as the retail center at Avalon Boulevard and University Drive, have a 10 foot setback from University Drive. Therefore, approval of the request would not constitute a special privilege. It should be noted that these two properties general enjoy the same size and lot depth.

c) The required 100' setback from University Drive represents approximately 25% of the lot depth; therefore, placing an undue hardship on the development of property as other similar properties such as the retail center at University Drive and Avalon Boulevard the 10-foot setback represents approximately 2.5% of the lot depth.

**Section 5.** An analysis has been performed pursuant CEQA Guidelines § 15162 to determine whether subsequent environmental review is required for Design Overlay Review No. 1579-15 Variance No. 557-15 (the "University Village Project"). Based upon this analysis the following findings are made to support the determination that no subsequent environmental review is required:

a) The City conducted a Program EIR, pursuant to Section 15168 of the CEQA Guidelines, on the Dominguez Technology Specific Plan. The Specific Plan comprises the Dominguez Technology Center, a 288-acre project. The project changed the use from nursery and oil production to office, technology and business park. The project contemplates 4.7 million square feet of building space for office, technology and industrial uses, including 100,000 square feet of support commercial uses. The Dominguez Technology Center was projected to generate approximately 43,000 additional trips. The Program EIR addressed the impacts of the totality of the office, technology and business park uses that would be developed at the site, including the impacts of support commercial uses.

b) The University Drive Project falls within the scope of the Program EIR, as it comprises approximately 48,000 square feet of support commercial space, and is consistent with the original purpose and intent of the Dominguez Technology Center and the Dominguez Technology Specific Plan. City conducted an updated traffic impact study relating to the University Drive Project.

c) No substantial changes in the project or its circumstances, or substantial new information has become available, that indicates that the project would now have a new or more severe impact. In this case, the proposed University Drive Project is over 50,000 square feet smaller than what was projected in the specific plan. As such, the proposed project should result in less environmental impacts than the originally approved project.

Based upon these findings, it has been determined that no further environmental documentation is required for the University Drive Project.

**Section 6.** Based on the aforementioned findings, the Commission hereby approves Design Overlay Review No. 1579-15 and Variance No. 557-15 with respect to the property described in Section 1 hereof, subject to the conditions set forth in Exhibit "B" attached hereto.

**Section 7.** The Secretary shall certify to the adoption of the Resolution and shall transmit copies of the same to the applicant.



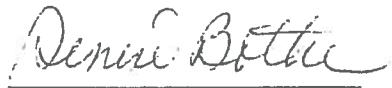
**Section 8.** This action shall become final and effective fifteen days after the adoption of this Resolution unless within such time an appeal is filed with the City Clerk in accordance with the provisions of the Carson Zoning Ordinance.

PASSED, APPROVED AND ADOPTED THIS 10<sup>th</sup> DAY OF MAY, 2016



Janice Dean  
CHAIRPERSON

ATTEST:



Denise Bettie

SECRETARY



EXHIBIT "A"

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:

PARCEL 1 OF PARCEL MAP NO. 21929-01, IN THE CITY OF CARSON, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP FILED IN BOOK 278 PAGES 29 TO 34 INCLUSIVE OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPT ALL MINERALS AND ALL MINERAL RIGHTS OF EVERY KIND AND CHARACTER NOW KNOWN TO EXIT OR HEREAFTER DISCOVERED, INCLUDING, WITHOUT LIMITING THE GENERALITY OF THE FOREGOING, OIL, GAS, WATER AND RIGHTS THERETO, TOGETHER WITH THE SOLE EXCLUSIVE AND PERPETUAL RIGHTS TO EXPLORE FOR, REMOVE AND DISPOSE OF SAID MINERALS BY ANY MEANS OR METHODS SUITABLE TO GRANTEE HEREIN, ITS SUCCESSORS AND ASSIGNS, BUT WITHOUT ENTERING UPON OR USING THE SURFACE OF SAID LAND OR ANY PORTION OF THE SUBSURFACE WITHIN FIVE HUNDRED (500) FEET OF THE SURFACE AND IN SUCH MANNER AS NOT TO DAMAGE THE SURFACE IN OR UNDER SAID LAND, AS CONVEYED TO DOMINGUEZ ENERGY L.P., IN THE DEED RECORDED AUGUST 21, 1990 AS INSTRUMENT NO. 90-1450080, IN SAID OFFICE OF THE COUNTY RECORDER.

ASSESSOR'S PARCEL NO: 7319-039-001

13

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

**EXHIBIT "B"**

**CONDITIONS OF APPROVAL**

**DESIGN OVERLAY REVIEW NO. 1579-15**

**GENERAL CONDITIONS**

1. If a building permit for University Village and Design Overlay Review No. 1579-15 and Variance No. 557-15 is not issued within one year of their effective date, said permit shall be declared null and void unless an extension of time is previously approved by the Planning Commission.
2. The approved Resolution, including the Conditions of Approval contained herein, and signed Affidavit of Acceptance, shall be copied in their entirety and placed directly onto a separate plan sheet behind the cover sheet of the development plans prior to Building and Safety plan check submittal. Said copies shall be included in all development plan submittals, including any revisions and the final working drawings.
3. 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.
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. Any revisions shall be approved by the Planning Division prior to Building and Safety plan check submittal.
6. The applicant and property owner shall sign an Affidavit of Acceptance form and submit the document to the Planning Division within 30 days of receipt of the Planning Commission Resolution.
7. Decision of the Planning Commission shall become effective and final 15 days after the date of its action unless an appeal is filed in accordance with Section 9173.4 of the Zoning Ordinance.



8. A modification of the conditions of this permit, including additions or deletions, may be considered upon filing of an application by the owner of the subject property or his/her authorized representative in accordance with Section 9173.1 of the Zoning Ordinance.
9. It is further made a condition of this approval that if any condition is violated or if any law, statute ordinance is violated, 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.
10. Precedence of Conditions. If any of the Conditions of Approval alter a commitment made by the applicant in another document, the conditions enumerated herein shall take precedence unless superseded by a Development Agreement, which shall govern over any conflicting provisions of any other approval.
11. City Approvals. All approvals by City, unless otherwise specified, shall be by the department head of the department requiring the condition. All agreements, covenants, easements, deposits and other documents required herein where City is a party shall be in a form approved by the City Attorney. The Developer shall pay the cost for review and approval of such agreements and deposit necessary funds pursuant to a deposit agreement.
12. Covenant, Conditions, and Restrictions (CC&Rs). Covenants, Conditions and Restrictions (CC&Rs) shall be established for the project. The applicant or successor in interest shall pay for the cost of review and approval of the CC&Rs by the City Attorney. The CC&Rs shall provide for proper maintenance of the property and include other necessary conditions to carry out the terms herein, and shall be enforceable by the City, and recorded prior to development of any parcels. An initial deposit of \$5,000.00 is required to cover processing costs. The applicant shall pay the cost for review and approval of such agreements and deposit necessary funds pursuant to a deposit agreement.
13. Deposit Account. A trust deposit account shall be established for all deposits and fees required in all applicable conditions of approval of the project. The trust deposit shall be maintained with no deficits. The trust deposit shall be governed by a deposit agreement. The trust deposit account shall be maintained separate from other City funds and shall be non-interest bearing. City may make demands for additional deposits to cover all expenses over a period of 60 days and funds shall be deposited within 10 days of the request therefore, or work may cease on the Project.
14. Indemnification. 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, or in any way related to the approval of the City, its advisory agencies, appeal boards, or legislative body concerning University Village and Design Overlay Review No. 1579-15 and Variance No. 557-15. The applicant shall provide a deposit in the amount of 100 percent of the City's estimate, in its sole and absolute discretion, of the cost of litigation, including the cost of any award of attorney's fees, and shall make additional deposits as requested by the City to keep the deposit at such level. The City may ask for further security in the form of a deed of trust to land of equivalent value. If the applicant fails to provide or maintain the deposit, the City may abandon the action and the applicant shall pay all costs resulting therefrom and the City shall have no liability to the applicant.

## **AESTHETICS**

15. Texture treatment (such as rough stucco, sandblasting, etc.) shall be incorporated into building facades, subject to the Planning Division approval.
16. There shall be no deviation of architectural design or details from the approved set of plans. Any alteration shall be first approved by the Planning Division.
17. Down spouts shall be interior to the structure or architecturally integrated into the structure to the satisfaction of the Planning Division.
18. Any roof-mounted equipment shall be screened to the satisfaction of the Planning Division.
19. Incorporate additional landscaping to screen and block specific project areas that could be subject, as determined by the Planning Division, to graffiti.
20. Graffiti shall be removed from all areas within three (3) days of written notification by the City of Carson, including graffiti found on perimeter walls and fences. Should the graffiti problem persist more than twice in any calendar year, the matter may be brought before the Planning Commission for review and further consideration of site modification (i.e. fencing, landscaping, chemical treatment, etc.).
21. The proposed project site shall be maintained free of debris, litter and inoperable vehicles at all times. The subject property shall be maintained to present an attractive appearance to the satisfaction of the Planning Division.
22. Prior to Issuance of Building Permit, the specification of all colors and materials, **including all walls, walkways, plazas, pedestrian amenities, cart returns, and trash enclosures** must be submitted and approved by the Planning Division.
23. ***A drive-through restaurant located at Pad 1 shall:***



- a. *Close by 11:00 p.m.*
  - b. *Only incorporate outdoor speakers on the north side of the building directed away from the existing residential neighborhood and include an automated volume control system.*
  - c. *Only offer face-to-face service on the west side of the building.*
  - d. *Incorporate dual glazing for all windows.*
  - e. *Incorporate exhaust fans that are baffled and will not operate after close of business.*
  - f. *Incorporate zero emissions air filtration units or equivalent to reduce site odors.*
  - g. *Incorporate a 48-inch wall with landscaping along the southern boundary of the drive lane to screen the lane from public view.*
24. *A drive-through restaurant located at Pad 3 shall close by 11:00 p.m.*

#### FENCES/WALLS

- 25. Perimeter walls shall be architecturally coordinated with the project building and subject to the approval of the Planning Commission.
- 26. Where walls are used, they shall be of decorative material to include stucco block, slump stone or split face.
- 27. Chain-link fencing, including barbed and concertina wire, shall be removed. Decorative wrought iron fencing or a wall shall be used as a replacement if necessary.
- 28. *Prior to Issuance of Building Permit, the detailed plans for fences/walls must be submitted and approved by the Planning Division.*

#### LANDSCAPE/IRRIGATION

- 29. Comply with the provisions of Section 9168 of the Zoning Ordinance, "Water Efficient Landscaping."
- 30. 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.



31. The proposed irrigation system shall include best water conservation practices.
32. Installation of 6" x 6" concrete curbs are required around all landscaped planter areas, except for areas determined by National Pollutant Discharge Elimination System (NPDES) permit or other applicable condition of approval that requires certain landscaped areas to remain clear of concrete curbs for more efficient storm water runoff flow and percolation. Revised landscaping and irrigation plans shall be reviewed and approved by the Planning Division should subsequent modifications be required by other concerned agencies regarding the removal of concrete curbs.
33. Installation, maintenance, and repair of all landscaping shall be the responsibility of the property owner.
34. Prior to issuance of building permit, the applicant shall submit two sets of landscape and irrigation plans drawn, stamped, and signed by a licensed landscape architect. Such plans are to be approved by the Planning Division.

### **LIGHTING**

35. Shall provide adequate lighting for the parking areas.
36. All exterior lighting shall be provided in compliance with the standards pursuant to Section 9147.1 of the Zoning Ordinance.
37. Such lights are to be directed on-site in such a manner as to not create a nuisance or hazard to adjacent street and properties, subject to the approval of the Planning Division.
38. ***Prior to Issuance of Building Permit, the detailed plans for exterior lighting must be submitted and approved by the Planning Division.***

### **PARKING**

39. All driveways shall remain clear. No encroachment into driveways shall be permitted.
40. All areas used for movement, parking, loading, or storage of vehicles shall be paved and in accordance with Section 9162.0 of the Zoning Ordinance.

### **SIGNS**

41. Business signs and sign structures shall be permitted in conformance with development plans which have been approved pursuant to the Site Plan and Design Review procedures (including the number of signs and sign structures to be permitted) as provided in Section 9172.23 of the Zoning Ordinance.



42. All permitted business signs must be in compliance with the provisions of Section 9146.7 of the Zoning Ordinance.
43. ***Detailed plans for all signs shall be provided in the form of a Sign Program which shall be submitted and approved by the Planning Division.***

### **TRASH**

44. Trash collection shall comply with the requirements of the City's trash collection company.
45. Trash enclosures shall measure a minimum of fourteen (14) feet wide by six (6) feet deep as required by the City's trash collection company.
46. The trash enclosure and recycling area shall be located on a four inch concrete pad screened by a six foot high decorative concrete block wall that is compatible with the architectural design of the main building. A painted metal, self-closing door shall be used for enclosing the entrance to the trash and recycling areas.
47. Recycling areas shall be provided in accordance with Sections 9164.4 and 9164.5 of the Zoning Ordinance. The number and size of recycling facilities are subject to the Planning Division.
48. Prior to issuance of building permit, the trash and recycling area enclosure design is to be approved by the Planning Division.

### **UTILITIES**

49. All utilities and aboveground equipment shall be constructed and located pursuant to Section 9146.8 of the Zoning Ordinance, unless otherwise provided for in these conditions.
50. Public utility easements shall be provided in the locations as required by all utility companies with easements free and clear of obstructions, and electrical utilities shall be installed underground.
51. The applicant shall remove at his/her own expense any obstructions within the utility easements that would interfere with the use for which the easements are intended.
52. Any aboveground utility cabinet or equipment cabinet shall be screened from the public right-of-way by a decorative block wall or landscaping, to the satisfaction of the Planning Division.

## **BUILDING AND SAFETY DIVISION**

53. Submit development plans for plan check review and approval.
54. Obtain all appropriate building permits and an approved final inspection for the proposed project.
55. Prior to issuance of building permit, proof of worker's compensation and liability insurance must be on file with the Los Angeles County Building and Safety Division.

## **ENGINEERING SERVICES DEPARTMENT – CITY OF CARSON**

### ***General Conditions***

56. Any existing off-site improvements damaged during the construction shall be removed and reconstructed per City of Carson standard plan and to the satisfaction of the City Engineer.
57. A construction permit is required for any work to be done in the public right-of-way.
58. Compliance with the applicable National Pollutant Discharge Elimination System (NPDES) requirements including best management practices to control storm water pollution from construction activities and facility operations.

### ***Prior to Issuance of Grading Permit***

59. Submit a copy of approved grading plans on bond paper for review and obtain approval from the City of Carson Engineering Division.
60. Show any improvements within the public right-of-way on the grading plan for review and obtain approval from the City of Carson Engineering Division.

### ***Prior to Issuance of Building Permit***

61. A Covenant and Agreement for an existing easement shall be recorded with the Los Angeles County Recorder's office. Said document shall indicate all easements.
62. Submit a copy of approved plans on mylars (*such as, Sewer, Street and/or Storm Drain Improvements, whichever applies*) for review and obtain approval from the City of Carson Engineering Division
63. Construction bond for all work to be done within the public right-of-way shall be submitted and approved by Engineering Services.



64. Submit improvement plans showing all the required improvements in the public right-of-way for review and approval of the City Engineer. A copy of the approved conditions of approval shall be attached to the plans submitted.
65. Provide proof of Worker's Compensation and Liability Insurance.
66. Submit drainage/grading plans prepared by a registered civil engineer to the satisfaction by the Los Angeles County Department of Public Works.
67. Submit for review and obtain approval of soils report, sewer area study, drainage concept, hydrology study and storm water quality plan. Building permit issuance will not be granted until the required soils, sewer, drainage concept, hydrology study and storm water information have been received and found satisfactory.
68. Required to comply with mitigation measures recommended in the approved soils, sewer area study, drainage concept, hydrology study and storm water quality plan.
69. Submit a sewer area study to the Los Angeles County Department of Public Works (LACDPW) to determine if capacity is adequate in the sewerage system to be used as the outlet for the sewer of this development. If the system is found to have insufficient capacity, the problem must be addressed and resolved to the satisfaction of the Los Angeles County Sewer Department.
70. Quitclaim or relocate any easements interfering with building locations to the satisfaction of the City, appropriate agency or entity.
71. All existing overhead utility lines less than 12 kilovolts shall be underground to the satisfaction of the City Engineer. Alternatively, at the City Engineer's discretion, the City may accept an in-lieu fee in an amount determined by the City Engineer to be sufficient to cover the costs of such underground provided the applicant deposits the full amount of the deposit of the in-lieu fee before the issuance of Building Permits. Undergrounding estimate shall be prepared by Southern California Edison and shall be submitted to the City Engineer for his determination.
72. All new utility lines, servicing the proposed development shall be underground to the satisfaction of the City Engineer.

***Prior to Issuance of Certificate of Occupancy***

73. Submit the approved off-site improvement plans electronically stored on a CD in AutoCAD format that is prepared by a licensed engineer.



74. Install separate sewer laterals to individually serve each building in the development. Installation and dedication of the main line sewers may be necessary to meet this requirement.
75. Comply with all requirements from Los Angeles County Sewer Maintenance Division for maintenance of new and/or existing sewer main, relating to this development, prior to release of all improvement bonds.
76. Provide to the City Engineer an executed 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.
77. Comply with mitigation measures recommended by the water purveyor.
78. Construct and guarantee the construction of all required drainage infrastructures in accordance with the requirements and recommendations of the hydrology study subject to the approval of the City Engineer.
79. Repair any broken or raised/sagged sidewalk, curb and gutter within the public right of way along University Drive and Central Avenue abutting this proposed development per City of Carson Standard and to the satisfaction of the City Engineer.
80. Replace any missing sidewalk areas located within the public right-of-way along University Drive and Central Avenue abutting this proposed development per City of Carson Standard and to the satisfaction of the City Engineer.
81. Remove and replace any broken/damaged driveway approach within the public right of way along University Drive and Central Avenue abutting this proposed development per City of Carson Standard and to the satisfaction of the City Engineer.
82. Modify existing driveways within the public right of way along University Drive and Central Avenue abutting this proposed development per City of Carson Standard to comply with the American Disability Act (ADA) requirements and to the satisfaction of the City Engineer.
83. Construct new driveway approaches per City of Carson Standard and in compliance with the American Disability Act (ADA) requirements. 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.
84. Plant approved parkway trees on locations where trees in the public right of way along University Drive and Central Avenue abutting this proposed



development are missing per City of Carson Standard Nos. 117, 132, 133 and 134.

85. Install irrigation system for the purpose of maintaining the parkway trees to be planted within the public right of way along University Drive and Central Avenue abutting this proposed development.
86. Install striping and pavement legend per City of Carson standard.
87. If needed, easements shall be granted to the City, appropriate agency, or entity for the purpose of ingress, egress, constructions, and maintenance of all infrastructures constructed and American Disability Act (ADA) accessibility for this for this development to the satisfaction of the City Engineer and/or appropriate agency or entity.
88. 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)
89. All infrastructures necessary to serve the proposed development (water, sewer, storm drain, and street improvements) shall be in operation.

#### **FIRE DEPARTMENT**

90. The proposed development shall obtain approval and comply with all Los Angeles County Fire Department requirements (i.e. fire hydrant installations and fire flow requirements).

#### **TRAFFIC ENGINEER – CITY OF CARSON**

91. Submit plans for review showing the proposed red curbs and obtain approval. Paint curbs red along University Drive and Central Avenue within or abutting this proposed development (if applicable).

#### **BUSINESS LICENSE**

92. All parties involved in the subject project located at University Drive and Central Avenue including to but not limited to contractors and subcontractors are required to obtain a city business license per Section 6310 of the Carson Municipal Code.

#### **CEQA – MITIGATION MEASURES**

93. *Comply with all applicable mitigation measures for the approved Dominguez Technology Centre Specific Plan Final EIR.*
94. *During excavation and grading activities, coordinate with the Gabrieleno Band of Mission Indians – Kizh Nation and Sobobo Band of Luiseno Indians to ensure the presence of approved Native American Monitors.*



**CITY OF CARSON**  
**PLANNING COMMISSION**  
**RESOLUTION NO. 17-2603**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON APPROVING A ONE (1) YEAR EXTENSION OF DESIGN OVERLAY REVIEW NO. 1579-15 AND VARIANCE NO. 557-15 FOR THE CONSTRUCTION OF A NEW 47,920 SF NEIGHBORHOOD RETAIL CENTER LOCATED AT 1281 UNIVERSITY DRIVE**

**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, Ralph Deppisch, with respect to real property located at 1281 University Drive, and described in Exhibit "A" attached hereto, requesting the following:

- Design Overlay Review No. 1579-15 to construct a new 47,920 neighborhood retail center on a property zoned SP-2-CN (Specific Plan No. 2, Neighborhood Commercial)
- Variance No. 55-15 to reduce the building setback from University Drive from 100 feet to 25 feet

A Planning Commission public hearing meeting was duly held on May 10, 2016 and on May 9, 2017 at 6:30 P.M. at City Hall, Helen Kawagoe 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.** In regards to Section 9172.23, "Site Plan and Design Review," the Planning Commission found on May 10, 2016 that:

- a) The proposed use and development is consistent with the General Plan, which designates the subject property for General Commercial use. The proposed retail, office and restaurant are permitted uses for a property zoned SP-2-CN (Specific Plan No. 2, Neighborhood Commercial and consistent with the General Plan Land Use designation).
- b) The project is compatible with the architecture and design of existing and anticipated development in the area, including site planning, land coverage, landscaping, appearance, scale of structures and open space.
- c) The project site is proposing adequate parking spaces and circulation will be provided to assure the convenience and safety of pedestrians and vehicles. The Traffic Engineer has determined that the access, circulation and proposed parking areas are satisfactory and able to accommodate safe vehicle movements. The project site has direct access to University Drive and Central Avenue.
- d) All proposed signage associated with this project will comply with the Carson Municipal Code provisions and will be reviewed and approved by the Planning Division prior to building occupancy.

e) All of the required findings pursuant to Section 9172.23, "Site Plan and Design Review," Approval Authority and Findings and Decision" can be made in the affirmative.

**Section 4.** In regards to Section 9172.22, "Variance," the Planning Commission found on May 10, 2016 that:

a) There are special circumstances applicable to the property which warrant approval of the requested variance. The project is located adjacent to an established residential neighborhood. Studies have shown that buildings oriented towards the street enhance pedestrian safety and improve the quality of neighborhood design. Thus, a project with a lower building setback, rather than a larger setback is preferred.

b) Surrounding properties in the same zoning district, such as the retail center at Avalon Boulevard and University Drive, have a 10 foot setback from University Drive. Therefore, approval of the request would not constitute a special privilege. It should be noted that these two properties general enjoy the same size and lot depth.

c) The required 100' setback from University Drive represents approximately 25% of the lot depth; therefore, placing an undue hardship on the development of property as other similar properties such as the retail center at University Drive and Avalon Boulevard the 10-foot setback represents approximately 2.5% of the lot depth.

**Section 5.** An analysis was performed pursuant CEQA Guidelines § 15162 to determine whether subsequent environmental review is required for Design Overlay Review No. 1579-15 Variance No. 557-15 (the "University Village Project"). Based upon this analysis the following findings were made to support the determination that no subsequent environmental review is required:

a) The City conducted a Program EIR, pursuant to Section 15168 of the CEQA Guidelines, on the Dominguez Technology Specific Plan. The Specific Plan comprises the Dominguez Technology Center, a 288-acre project. The project changed the use from nursery and oil production to office, technology and business park. The project contemplates 4.7 million square feet of building space for office, technology and industrial uses, including 100,000 square feet of support commercial uses. The Dominguez Technology Center was projected to generate approximately 43,000 additional trips. The Program EIR addressed the impacts of the totality of the office, technology and business park uses that would be developed at the site, including the impacts of support commercial uses.

b) The University Drive Project falls within the scope of the Program EIR, as it comprises approximately 48,000 square feet of support commercial space, and is consistent with the original purpose and intent of the Dominguez Technology Center and the Dominguez Technology Specific Plan. City conducted an updated traffic impact study relating to the University Drive Project.

c) No substantial changes in the project or its circumstances, or substantial new information has become available, that indicates that the project would now have a new or more severe impact. In this case, the proposed University Drive Project is over 50,000 square feet smaller than what was projected in the specific plan. As such, the proposed project should result in less environmental impacts than the originally approved project.

Based upon these findings, it was determined that no further environmental documentation is required for the University Drive Project.

**Section 6.** Based on the previous aforementioned findings, the Commission hereby approves a one (1) year extension of Design Overlay Review No. 1579-15 and Variance No. 557-15 to allow the applicant additional time to attract a quality grocer and tenants.

**Section 7.** The Secretary shall certify to the adoption of the Resolution and shall transmit copies of the same to the applicant.

**Section 8.** 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 9<sup>th</sup> DAY OF MAY, 2017

  
Ramon Pimentel  
Vice CHAIRPERSON

ATTEST:

  
Denise Buthe  
SECRETARY