



PLANNING COMMISSION STAFF REPORT

PUBLIC HEARING: January 25, 2022

SUBJECT: Site Plan and Design Review (DOR) No. 1802-19
Variance 567-19, 571-21, 572-21 and 573-22

APPLICANT: Hany Malak, McKently Malak Architects, Inc.
35 Hugus Alley, Suite 200
Pasadena, CA 91103

PROPERTY OWNER: LKL Group, LLC
Attn: Phil Kiyokane
5111 Torrance Boulevard
Carson, CA 90210

REQUEST: Consider approval of a Site Plan and Design Review No. 1802-19, and Variance Nos. 567-19, 571-21, 572-21, and 573-22 for a proposed Rascals Teriyaki Grill restaurant.

PROPERTY INVOLVED: 205 E. Carson Street (7334-020-070)

COMMISSION ACTION

AYE	NO		AYE	NO	
		Chairperson Thomas			Monteclaro
		Vice-Chair Palmer			D. Thomas
		Diaz			Rashad
		Guerra			vacant
		Huff			Alt. Docdocil Alt. Hernandez Alt. Wilson

Item No. 5A

I. Introduction

Applicant

Hany Malak, McKently
Malak Architects, Inc.
35 Hugus Alley, Suite 200
Pasadena, CA 91103

Property Owner

LKL Group, LLC
Attn: Phil Kiyokane
5111 Torrance Boulevard
Carson, CA 90210

II. Project Description

The applicant, Hany Malak, requests approval of DOR No. 1802-19 to develop a vacant site with a Rascals Teriyaki Grill restaurant with outdoor patio seating in the MU-CS (Mixed-Use – Carson Street) zone.

Carson Municipal Code (CMC) Section 9138.17 Mixed-Use - Carson Street (MU-CS) requires that all uses within the Mixed-Use - Carson Street Corridor be subject to site plan and design review per CMC Section 9172.23 (Site Plan and Design Review).

Carson Municipal Code Section 9172.23 (Site Plan and Design Review) requires Planning Commission review of projects within the Design Overlay District having construction valuation of \$50,000 or more.

The applicant also requests approval of the following Variances from the CMC:

No. 567-19 - reduce the side yard setback from 10 feet to 5 feet.

No. 571-21 - reduce the front yard setback from 10 feet to 5 feet

No. 572-21 - reduce the number of parking spaces from 28 spaces to 19 spaces

No. 573-22 - exceed the compact parking space allowance from 33% to 37%

Rascals Teriyaki Grill is a privately-owned, fast-casual restaurant whose specialty is Japanese American food. Headquartered in the City of Gardena the local restaurant chain has been in business for nearly 35 years operating three restaurants in the cities of Gardena, Long Beach and Torrance. Hours of operation are Monday through Saturday, 11:00 AM to 9:00 PM and are closed on Sunday.

III. Project Site and Surrounding Land Uses

The subject property site is located in the MU-CS zone and is designated Mixed-Use Residential under the Land Use Element of the General Plan. The subject property is located at the intersection of Carson Street and Orrick Avenue.

Land uses surrounding the proposed project site are primarily commercial and residential uses.



Figure (a) Project Site in context to surrounding zoning.

The following table provides a summary of information regarding the project site:

Site Information	
General Plan Land Use	MU-R (Mixed-Use Residential)
Zone District	MU-CS (Mixed-Use – Carson Street)
Site Size	12,473 SF (0.2 acres)
Present Use and Development	Vacant Lot
Surrounding Uses/Zoning	North: Residential Multiple-Family, RM-25-D South: Commercial, MU-CS East: Institutional (Educational), RS West: Commercial, MU-CS
Access	Ingress/Egress: Carson Street and Orrick Avenue

IV. Analysis

Site History

In 1948, the subject property was originally developed as a café with an adjoining at grade parking lot. In 1965, a drive-in dairy building was relocated from the city of La Habra to the subject property. In 2010, the drive-in dairy was demolished and has been vacant ever since with a chain-link fence securing the property. The subject property is located on the north-east corner of Carson Street and Orrick Avenue across the street from the Carson Street School and located amongst numerous retail, office, market, fast-casual restaurants and residential neighborhoods.



Site Plan

The subject property measures approximately 0.2 acres. The proposed restaurant is approximately 2,562 square feet with 184 square feet dedicated to an outdoor patio. A new parking lot will be installed that will include Americans with Disabilities Act (ADA) compliant and Electric Vehicle (EV) parking. Pedestrian hardscape area, landscape planters with permanent irrigation and a trash enclosure will be installed. The public right-of-way on Carson Street and Orrick Avenue will be improved with the removal and replacement of broken sidewalks, curbs, gutters and curb cuts. The applicant will also refurbish existing parkway planters and add an additional planter on Carson Street all with coordinated landscaping and permanent irrigation. A concrete curb divider will be installed on Carson Street to prevent unsafe left turns from eastbound traffic. The applicant will dedicate 4'-0" feet along Orrick Avenue to allow for the construction of a 6'-0" foot wide sidewalk.

Access

The applicant will maintain two existing driveways located along Carson Street and Orrick Avenue for vehicular access to the subject property. In 1954, the driveway from Carson Street was created by way of an easement on the eastern portion of the subject property, and it presently serves as a reciprocal driveway for both the subject property and the adjoining carwash business at 225 E Carson Street. In 1955, a private alley was created by way of an easement on the northern portion of the subject property, and it previously served as a private alley to the subject property and the adjoining property to the north. A residential development on the adjoining property to the north caused one half of the alley to be abandoned. The proposed development on the subject property will cause the remainder of the alley to be abandoned and in its place, required parking, ground mounted utility equipment and a trash enclosure will be developed.

Title Report

The Los Angeles County Assessor's map does not show the existing easements. However, the title report which was prepared by First American Title Company, references the two on-site easements; and the corresponding title documents identify one easement located in the northern section of the site and the other located in the eastern

section. The title documents and plans identifying the easements were reviewed and confirmed by the Planning Division and Engineering Services staff.

Parking & Traffic

Carson Municipal Code Section 9162.21 (Parking Spaces Required) requires 1 parking space for every 100 square-feet of gross floor area for dining and drinking establishments. The proposed restaurant requires 28 parking spaces ($2,748\text{sf}/100\text{sf}=27.5$ parking spaces); 26 regular and 2 ADA compliant parking spaces. The applicant is requesting a Variance to reduce the number of gross parking spaces from 28 to 19 and increase the number of compact spaces from 6 to 7. The applicant proposes 19 parking spaces: 8 standard spaces; 7 compact spaces, 1 ADA compliant parking space, and 3 EV stalls.

Building and Architecture

The project is designed in a modern architectural style combining stucco, siding, stone veneer base, metal canopy, glass storefront entrance to create interest in the façade. The material selection and featured articulation effectively breaks-up the facade and produces a modern design aesthetic. The project is compatible with the surrounding area in that it is in keeping with other commercial restaurants in the vicinity using similar massing, articulation, and fenestration.

Signage

Carson Municipal Code Section 9136.7 (Signs) allows two square feet of signage for every one linear foot of lot frontage. The proposed restaurant has approximately 109' feet of lot frontage along Carson Street allowing 218 ($109 \times 2 = 218$) square feet of signage. The applicant proposes approximately 201 square feet of wall signage.

Landscaping

Carson Municipal Code Section 9162.52 (Landscaping Requirements) requires automobile parking facilities and any parking facilities visible from the public right-of-way to have interior landscaping of not less than 5%. The proposed restaurant requires a total of 335.8 ($6,716 \times .05 = 335.8$) square feet of landscaping. The applicant proposes 1,490 square feet of landscaping.

New 24-inch box London Plan tree, Yellow Wave shrubs, and New Gold Lantana groundcover will be installed facing Carson Street. Permanent irrigation utilizing best water conservation practices will be installed for both on-site and off-site landscaped areas.

Variances

The applicant requests approval of the following Variances from the CMC:

No. 567-19 - reduce the side yard setback from 10 feet to 5 feet.

No. 571-21 - reduce the front yard setback from 10 feet to 5 feet

No. 572-21 reduce the number of parking spaces from 28 spaces to 19 spaces

No. 573-22 - to exceed the compact parking space allowance from 33% to 37%

Findings

Carson Municipal Code Section 9172.22 (Variance) states that:

1. A Variance from the terms of this Chapter shall be granted only when, because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of this Chapter deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification. (California Government Code Section 65906.)

Special circumstances include a recorded easement along the eastern section of the subject property that restricts development opportunities. The easement allows the vehicular access to the adjoining property owner to the east (carwash). The location and size of the easement affects vehicular ingress and egress movements that limit the size, location, and orientation of development proposals. By extension this constraint also hampers the ability for viable development proposals from meeting existing development standards including setbacks, parking, and parking design. In addition, the subject property is missing a public right-of-way section along Orrick Avenue thereby requiring a four-foot (4'-0") dedication to the City for the construction of new sidewalk along the western perimeter of the subject property. This requirement further hampers the ability for viable development proposals from meeting existing development standards including setbacks, parking, and parking design. Because of these special circumstances affecting the subject property, the First Finding can be made.

2. A Variance shall not be granted for a parcel of property which authorizes a use or activity which is not otherwise expressly authorized by the zone regulation governing the parcel of property. (California Government Code Section 65906.)

Restaurants are allowed in the MU-CS (Mixed Use-Carson Street) Zone. As such, the variance is consistent with the existing Zoning and the Second Finding can be made.

V. CFD/DIF Discussion

On April 16, 2019, the City Council adopted Ordinance No. 19-1931 to implement the City's Interim Development Impact Fee ("IDIF") Program. In accordance with this IDIF program the current Fiscal Year 2021-2022 fees (effective July 1, 2021 through June 30, 2022), the applicant, property owner, and/or successor to whom these project entitlements are assigned ("Developer") shall be responsible for payment of a one-time development impact fee at the rate of \$4.71 per square foot of commercial building constructed. The proposed development includes development impact fees estimated at **\$12,943.08** [2,748 sq. ft. (Proposed Project) X \$4.71 per sq. ft. = \$12,943.08]. If the Project increases or decreases in size, the development impact fee amount will be adjusted accordingly at the same rate.

Final development impact fee amounts are calculated and due prior to issuance of a building permit in one lump sum installment. Fees are subject to adjustments every July 1st based on State of California Construction Cost Index (Prior March to Current March Adjustment). No building permits shall be issued prior to the full payment of the amount.

Based on the adopted CFD, the project is exempt due to the subject property's land use (commercial).

VI. Zoning and General Plan Consistency

The proposed project with approval of the requested variances is consistent with the standards of the MU-CS (Mixed-Use - Carson Street) zoning designation and MU-R (Mixed-Use Residential) General Plan land use designation and will remain consistent with the surrounding uses.

VII. Environmental Review

The proposed project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15332, Class 32 – In-Fill Development Projects. Class 32 consists of projects characterized as in-fill development meeting the conditions as enumerated below:

- (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.
- (b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.
- (c) The project site has no value as habitat for endangered, rare or threatened species.
- (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.
- (e) The site can be adequately served by all required utilities and public services.

VIII. Public Notice

Notice of public hearing was posted to the project site on January 11, 2022. Notices were mailed to property owners and occupants within a 750' radius on January 10, 2022. The agenda was posted at City Hall no less than 72 hours prior to the Planning Commission meeting.

IX. Recommendation

That the Planning Commission:

- **ADOPT** Resolution No. 22-____, entitled "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON APPROVING SITE PLAN AND DESIGN OVERLAY REVIEW NO. 1802-19, VARIANCE NOS. 567-19, 571-21, 572-21 AND 573-22 FOR A PROPOSED RASCALS TERIYAKI GRILL RESTAURANT AT 205 E. CARSON STREET."

X. Exhibits

1. Draft Resolution
 - A. *Legal Description*
 - B. *Conditions of Approval*
2. Development Plans

Prepared by: McKina Alexander, Associate Planner

CITY OF CARSON
PLANNING COMMISSION

RESOLUTION NO. 22-

**A RESOLUTION OF THE PLANNING COMMISSION OF
THE CITY OF CARSON APPROVING SITE PLAN AND
DESIGN OVERLAY REVIEW NO. 1802-19, VARIANCE
NOS. 567-19, 571-21, 572-21 AND 573-22 FOR A PROPOSED
RASCALS TERIYAKI GRILL RESTAURANT AT 205 E.
CARSON STREET.**

WHEREAS, on October 2, 2019, the Department of Community Development received an application from Hany Malak on behalf of Rascals Teriyaki Grill Restaurant for real property located at 205 E. Carson Street and legally described in Exhibit “A” attached hereto, requesting approval of Design Overlay Review No. 1802-19 to develop the vacant site with a Rascals Teriyaki Grill restaurant with outdoor patio seating and Variance Nos. 567-19, 571-21, 572-21 and 573-22 to reduce the front and side yard setbacks from 10 feet to 5 feet, reduce the number of parking spaces from 28 spaces to 19 spaces and to exceed the compact parking space allowance from 33% to 37%; and

WHEREAS, studies and investigations were made and a staff report with recommendations was submitted, and the Planning Commission, upon giving the required notice, did on the 25th day of January, 2022, conduct a duly noticed public hearing as required by law to consider said design overlay and variances application. Notice of the hearing was originally posted and mailed to property owners and properties within a 750-foot radius of the project site by January 13, 2022; and

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF CARSON, CALIFORNIA, HEREBY RESOLVES AS FOLLOWS:

SECTION 1. The Planning Commission finds that the foregoing recitals are true and correct, and are incorporated herein by reference.

SECTION 2. The Planning Commission finds as follows:

1. With respect to Site Plan and Design Review No. 1802-19, for the development of a restaurant at the subject property:
 - a) The proposed project is consistent with the General Plan of the City of Carson. The project site has a General Plan Land Use designation of Mixed-Use Residential and the proposed restaurant development is compatible with the surrounding uses.
 - b) The proposed project is compatible in architecture and 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 proposed project consists of developing an approximately 2,562-square-foot restaurant with a 184-square-foot outdoor patio and adjoining 19 stall parking lot. The project is compatible with the surrounding area in that it is in keeping with other

commercial restaurants in the vicinity using similar massing, articulation and fenestration.

- c) The proposed development will have adequate street access for pedestrian and vehicles, and also adequate capacity for parking and traffic. The applicant will maintain two existing driveways located along Carson Street and Orrick Avenue for vehicular access to the subject property. Carson Municipal Code Section 9162.21 (Parking Spaces Required) requires 1 parking space for every 100 square-feet of gross floor area for dining and drinking establishments. The proposed restaurant requires 28 parking spaces ($2,748\text{sf}/100\text{sf}=27.5$ parking spaces); 26 regular and 2 ADA compliant parking spaces. The applicant is requesting a Variance to reduce the number of gross parking spaces from 28 to 19 and increase the number of compact spaces from 6 to 7. The applicant proposes 19 parking spaces: 8 standard spaces; 7 compact spaces, 1 ADA compliant parking space, and 3 EV stalls. The project design will allow for and promote safe and convenient pedestrian and vehicle circulation.
 - d) All signage associated with this project will comply with applicable Carson Municipal Code provisions, and will exhibit attractiveness, effectiveness and restraint in signing graphics and color.
 - e) The project will not be developed in phases.
2. With respect to the Variances for the development of a restaurant at the subject property:

No. 567-19 - reduce the side yard setback from 10 feet to 5 feet.

No. 571-21 - reduce the front yard setback from 10 feet to 5 feet

No. 572-21 reduce the number of parking spaces from 28 spaces to 19 spaces

No. 573-22 - to exceed the compact parking space allowance from 33% to 37%. A Variance from the terms of this Chapter shall be granted only when, because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of this Chapter deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification. (California Government Code Section 65906.)

Special circumstances include a recorded easement along the eastern section of the subject property that restrict development opportunities. The easement allows the vehicular access to the adjoining property owner to the east (carwash). The location and size of the easement affects vehicular ingress and egress movements that limit the size, location, and orientation of development proposals. By extension this constraint also hampers the ability for viable development proposals from meeting existing development standards including setbacks, parking, and parking design. In addition, the subject property is missing a public right-of-way section along Orrick Avenue thereby requiring a four-foot (4'-0") dedication to the City for the construction of new sidewalk along the western perimeter of the subject property. This requirement further hampers the ability for viable development proposals from meeting existing development standards including setbacks, parking, and parking design. Because of these special circumstances affecting to the subject property, the First Finding can be made.

2. A Variance shall not be granted for a parcel of property which authorizes a use or activity which is not otherwise expressly authorized by the zone regulation governing the parcel of property. (California Government Code Section 65906.)

Restaurants are allowed in the MU-CS (Mixed Use-Carson Street) Zone. As such, the variance is consistent with the existing Zoning and the Second Finding can be made.

SECTION 3. The project is categorically exempt under Class 32 (In-Fill Development Projects) pursuant to Section 15332 of the California Environmental Quality Act. Class 32 consists of projects characterized as in-fill development meeting the conditions as enumerated below:

- (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.
- (b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.
- (c) The project site has no value as habitat for endangered, rare or threatened species.
- (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.
- (e) The site can be adequately served by all required utilities and public services.

The project meets all of the foregoing criteria. A Notice of Exemption shall be filed with the County Clerk of the County of Los Angeles pursuant to the California Environmental Quality Act.

SECTION 4. Design Overlay Review No. 1802-19 and Variance Nos. 567-19, 571-21, 572-21 and 573-22 comply with the City's Zoning Ordinance and General Plan and are consistent with the intent of Article IX, Chapter 1, Section 9172.23 (Site Plan and Design Review) and Section 9172.22 (Variance) of the Carson Municipal Code.

SECTION 5. The Planning Commission of the City of Carson, pursuant to the findings set forth above, does hereby approve Design Overlay Review No. 1802-19, Variances No. 567-19, 571-21, 572-21 and 573-22 to construct a new, approximately 2,562-square-foot Rascals Teriyaki Grill restaurant at 205 E. Carson Street, subject to the Conditions of Approval contained in Exhibit "B," attached hereto.

SECTION 6. This decision of the Planning Commission shall become effective and final 15 days after the date of the action unless an appeal is filed in accordance with Section 9173.4 of the Zoning Ordinance.

SECTION 7. The Secretary of the Planning Commission shall certify to the adoption of this Resolution.

PASSED, APPROVED and ADOPTED this 25th day of January 2022.

CHAIRPERSON

ATTEST:

SECRETARY

LEGAL DESCRIPTION

Real property in the unincorporated area of the County of Los Angeles, State of California, described as follows:

PARCEL 1:

THE EAST 50 FEET OF THE WESTERLY 80 FEET OF THE SOUTHERLY 150 FEET OF LOT 20 OF TRACT NO. 3848, IN THE CITY OF CARSON, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN [BOOK 42 PAGES 68 AND 69](#) OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

THE ABOVE DESCRIBED PROPERTY IS SHOWN AS A PORTION OF PARCEL NO. 1 ON THE LICENSED SURVEYOR'S MAP FILED IN BOOK 23 PAGE 50 RECORD OF SURVEYS IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

PARCEL 2:

THE EAST 50 FEET OF THE WESTERLY 130 FEET OF THE SOUTHERLY 150 FEET OF LOT 20 OF TRACT NO. 3848, IN THE CITY OF CARSON, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN [BOOK 42 PAGES 68 AND 69](#) OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

THE ABOVE DESCRIBED PROPERTY IS SHOWN AS A PORTION OF PARCEL NO. 2 ON THE LICENSED SURVEYOR'S MAP FILED IN BOOK 23 PAGE 50 RECORD OF SURVEYS IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

PARCEL 3:

AN EASEMENT FOR INGRESS AND EGRESS OVER THE EASTERLY 10 FEET OF THE WESTERLY 140 FEET OF THE SOUTHERLY 150 FEET OF LOT 20 OF TRACT NO. 3848, IN THE CITY OF CARSON, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN [BOOK 42 PAGES 68 AND 69](#) OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

APN: 7334-020-070

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

**EXHIBIT "B"
CONDITIONS OF APPROVAL
DESIGN OVERLAY REVIEW NO. 1802-19, VARIANCE NO. 567-19, VARIANCE NO.
571-21, VARIANCE NO. 572-21 AND VARIANCE NO. 573-22**

I. GENERAL CONDITIONS

1. City adopted Ordinance No. 19-1931 to implement the City's Interim Development Impact Fee ("IDIF") Program. In accordance with this IDIF program, the applicant, property owner, and/or successor to whom these project entitlements are assigned ("Developer") shall be responsible for payment. Based on the proposed project and the current FY 19-20 fees, the developer will be responsible for payment of one-time impact fees at the rate of \$4.71 per square foot of building constructed. **Based on the foregoing, Developer will be responsible for development impact fees estimated at \$12,943.08 [2,748 sq. ft. (Proposed Project) X \$4.71 per sq. ft. = \$12,943.08]**
2. **(DIF Amount), provided that if the project increases or decreases in size, the DIF Amount will be adjusted accordingly at the same rate. Final Impact Fees are calculated and due prior to issuance of a building permit in one lump sum installment.** Fees are subject to adjustments every July 1 based on State of California Construction Cost Index (Prior March to Current March Adjustment). No grading or building permits shall be issued prior to the full payment of the DIF Amount. See the following City webpage for additional information:

<http://ci.carson.ca.us/CommunityDevelopment/IDIFProgram.aspx>
3. If a building permit for Design Overlay Review No. 1802-19, Variance 567-19, Variance No. 571-21, Variance No.572-21 and Variance No. 573-22 is not issued within **two years** of their effective date, said permit shall be declared null and void unless an extension of time is previously approved by the Planning Commission.
4. 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.
5. Developer 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.
6. Developer shall comply with all city, county, state and federal regulations applicable to this project.
7. Any substantial project 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.
8. 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.

9. A modification of these conditions, 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.
10. It is further made a condition of this approval that if any condition is violated or if any law, statute, or ordinance is violated, this permit may be revoked by the Planning Commission or City Council, as may be applicable; provided the Developer has been given written notice to cease such violation and has failed to do so for a period of thirty days.
11. Precedence of Conditions. If any of these Conditions of Approval alter a commitment made by the Developer 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.
12. 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.
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 therefor, or work may cease on the Project.
14. Indemnification. The applicant, property owner, and tenant(s), for themselves and their successors in interest ("Indemnitors"), agree to defend, indemnify and hold harmless the City of Carson, its agents, officers and employees, and each of them ("Indemnitees") from and against any and all claims, liabilities, damages, losses, costs, fees, expenses, penalties, errors, omissions, forfeitures, actions, and proceedings (collectively, "Claims") against Indemnitees to attack, set aside, void, or annul any of the project entitlements or approvals that are the subject of these conditions, and any Claims against Indemnitees which are in any way related to Indemnitees' review of or decision upon the project that is the subject of these conditions (including without limitation any Claims related to any finding, determination, or claim of exemption made by Indemnitees pursuant to the requirements of the California Environmental Quality Act), and any Claims against Indemnitees which are in any way related to any damage or harm to people or property, real or personal, arising from Indemnitors' operations or any of the project entitlements or approvals that are the subject of these conditions. The City will promptly notify Indemnitors of any such claim, action or proceeding against Indemnitees, and, at the option of the City, Indemnitors shall either undertake the defense of the matter or pay Indemnitees' associated legal costs or shall advance funds assessed by the City to pay for the defense of the matter by the City Attorney. In the event the City opts for Indemnitors to undertake defense of the matter, the City will cooperate reasonably in the defense, but retains the right to settle or abandon the matter without Indemnitors' consent. Indemnitors shall provide a deposit to the City in the amount of 100% of the City's estimate, in its sole and absolute discretion, of the

cost of litigation, including the cost of any award of attorneys' fees, and shall make additional deposits as requested by the City to keep the deposit at such level. If Indemnitors fail to provide or maintain the deposit, Indemnitees may abandon the action and Indemnitors shall pay all costs resulting therefrom and Indemnitees shall have no liability to Indemnitors.

II. **AESTHETICS**

1. 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.
2. **Down spouts shall be interior to the structure or architecturally integrated into the structure to the satisfaction of the Planning Division.**
3. Any roof-mounted equipment shall be screened to the satisfaction of the Planning Division.
4. Graffiti shall be removed from all areas within twenty-four (24) hours 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.).
5. 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.

III. **ACCESS**

1. **The 10-foot easement located in the northern section of the project site shall be removed from title.**

IV. **LANDSCAPE/IRRIGATION**

1. Comply with the provisions of Section 9168 of the Zoning Ordinance, "Water Efficient Landscaping."
2. 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.
3. 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.
4. The proposed irrigation system shall include best water conservation practices.
5. Installation, maintenance, and repair of all landscaping shall be the responsibility of the property owner.
6. **All new and retrofitted landscape of 500 square feet or greater is subject to the Model Water Efficient Landscape Ordinance (MWELo) per Department of Water Resources Title 23, Chapter 2.7**

7. 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.

V. LIGHTING

1. Developer shall provide adequate lighting for the parking areas.
2. All exterior lighting shall be provided in compliance with the standards pursuant to Section 9147.1 of the Zoning Ordinance.
3. 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.

VI. PARKING

1. All driveways shall remain clear. No encroachment into driveways shall be permitted.
2. The new parking area will be slurry sealed and striped with a parking configuration that complies with ADA, Fire, and Traffic Engineering standards.
3. All areas used for movement, parking, loading, or storage of vehicles shall be paved, striped and provided with wheel stops in accordance with Section 9162.0 of the Zoning Ordinance.

VII. Pavement

1. A new parking lot shall be constructed in its entirety as part of the new development.

VIII. TRASH

1. Trash collection from the project site shall comply with the requirements of the City's trash collection company.

IX. UTILITIES

1. 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.
2. Developer shall remove, at its own expense, any obstructions within the utility easements that would interfere with the use for which the easements are intended.
3. 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.

X. BUILDING AND SAFETY DIVISION

1. Applicant shall submit development plans for plan check review and approval.
2. Developer shall obtain all appropriate building permits and an approved final inspection for the proposed project.
3. Prior to issuance of building permit, proof of worker's compensation and liability insurance for Developer must be on file with the Los Angeles County Building and Safety Division.

XI. FIRE DEPARTMENT

The proposed development shall obtain approval and comply with all Los Angeles County Fire Department requirements.

XII. ENGINEERING SERVICES DEPARTMENT – CITY OF CARSON

1. Any existing off-site improvements damaged during the construction shall be removed and reconstructed per City of Carson PW Standard Drawings and to the satisfaction of the City Engineer.
2. A construction permit is required for any work to be done in the public right-of-way.
3. Construction bond for all work to be done within the public right of way shall be submitted and approved by Engineering Division prior to issuance of permit by Engineering Division.
4. Proof of Worker's Compensation and Liability Insurance shall be submitted to the city prior to issuance of permit by Engineering Division.
5. The Developer shall submit a copy of **approved** grading/ drainage plans on bond paper to the City of Carson – Engineering Division, prior to issuance of any permits.
6. The Developer shall submit an electronic copy of **approved** plans (*such as, Sewer, Street and/or Storm Drain Improvements, whichever applies*), to the City of Carson – Engineering Division, prior to the issuance of construction permits.
7. Soils report, sewer area study, drainage concept, hydrology study and stormwater quality plan shall be reviewed and approved. Building Permit issuance will not be granted until the required soils, sewer, drainage concept, hydrology study and stormwater information have been received and found satisfactory. Comply with mitigation measures recommended in the approved soils, sewer area study, drainage concept, and hydrology study /storm water quality plan.
8. Any easements ingress/egress shall be resubmitted to the City for review and approval.
9. The Developer shall submit improvement plans to the Engineering 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. The following are required as a part of the project's improvement plans.
 - a. Repair any broken or raised/sagged sidewalk, curb and gutter within the public right of way along Carson Street and Orrick Avenue abutting this proposed development per City of Carson PW Standard Drawings and to the satisfaction of the City Engineer.

- b. Remove existing asphalt concrete sidewalk and replace with Portland cement concrete sidewalk within the public right of way along Orrick Avenue abutting this proposed development
 - c. The Developer shall modify existing driveways within the public right of way along Orrick Avenue abutting this proposed development per City of Carson PW Standard Drawings to comply with the ADA requirements and to the satisfaction of the City Engineer.
 - d. The developer shall construct new driveway approaches per City of Carson PW Standard Drawings and in compliance with the 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.
 - e. Plant approved parkway trees on locations where trees in the public right of way along Orrick Avenue abutting this proposed development are missing per City of Carson PW Standard Drawings Nos. 117, 132, 133 and 134.
 - f. Install irrigation system for the purpose of maintaining the parkway trees to be planted within the public right of way along Orrick Avenue abutting this proposed development.
 - g. Install raised "S" median along the Carson Street to prevent the left turn movement from Orrick Street South Easterly direction to the satisfaction of the City Engineer.
 - h. Install striping and pavement legend per City of Carson PW Standard Drawings.
 - i. All new Utility lines, servicing the proposed development shall be underground to the satisfaction of the City Engineer.
10. Off-site improvements (*eg. driveways, sidewalk, parkway drains, trees, curb/gutter etc*) shown on the grading plans must provide a concurrent submittal to City of Carson Engineering Division. Off-site improvements shall be shown on a separate set of street improvement plans. Prior to issuance of Grading permit, developer shall obtain clearance from City of Carson Engineering Division.
 11. The Developer shall comply with all requirements from L.A. County Sewer Maintenance Division for maintenance of new and/or existing sewer main, relating to this development, prior to release of all improvement bonds.
 12. The Developer shall provide for additional street lighting along Orrick Ave. The Owner of property will be responsible for the operation and maintenance cost including energy cost until property is annexed to County Lighting District LLA-1, Carson Zone.

13. The Developer shall construct and guarantee the construction of all required and previously approved Street Improvements to the satisfaction of the City of Carson Public Works Inspector and the City Engineer.
14. The Developer shall 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.
15. Per City of Carson ordinance 5809 developer shall comply with all applicable Low Impact Development (LID) requirements and shall include Best Management Practices necessary to control storm water pollution from construction activities and facility operations to the satisfaction of the City Engineer.
16. Developer shall provide a copy of an approved SWPPP stamped by Los Angeles County Building and Safety Division along with WDID number.
17. Developer shall complete, sign and return the *Stormwater Planning Program LID Plan checklist* form and return to City of Carson Engineering Services Division.
18. Comply with any additional requirements, if any, as means of mitigating any traffic impacts as identified in the traffic study approved by the City Traffic Engineer.
19. Orrick Avenue abutting the development, shall be slurry sealed from curb-to-curb
20. Repaint (refresh) the red curb on the east side of Orrick Ave north of Carson St.
21. 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.

XIII. BUSINESS LICENSE

1. All parties involved in the subject project including but not limited to contractors and subcontractors are required to obtain a city business license per Section 6310 of the Carson Municipal Code.