



## CITY OF CARSON

### PLANNING COMMISSION STAFF REPORT

PUBLIC HEARING: January 26, 2010

SUBJECT: Conditional Use Permit No. 744-09

APPLICANT: Wilbert Watts, Jr. (DLA Piper)  
On behalf of: Pep Boys, Inc.  
1999 Avenue of the Stars, Suite 400  
Los Angeles, CA 90067

REQUEST: To approve a Conditional Use Permit for Pep Boys, an existing auto parts sales and auto repair store on a site located in the CR-D (Commercial, Regional-Design Overlay Review) zone district.

PROPERTY INVOLVED: 810 E. Dominguez Street

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#### COMMISSION ACTION

☐ Concurred with staff

☐ Did not concur with staff

☐ Other

#### COMMISSIONERS' VOTE

AYE	NO		AYE	NO	
		Chairman Faletogo			Graber
		Vice-Chair Saenz			Park
		Brimmer			Schaefer
		Gordon			Verrett

***Item No. 11C***

## **I. Introduction**

The applicant, Wilbert Watts, Jr. for DLA Piper, LLC, is requesting approval of Conditional Use Permit (CUP) No. 744-09, on behalf of Pep Boys, Inc. to authorize the existing retail auto parts sales and repair use located at 810 E. Dominguez Street (Exhibit No. 2).

The 1.3-acre subject property is zoned CR-D (Commercial, Regional – Design Overlay) and has a General Plan land use designation of Regional Commercial. The subject property is within Redevelopment Project Area No. 1.

## **II. Background**

The existing Pep Boys auto parts retail and related auto repair facility has been located at the subject property since 1973, with the approval of the original 12,793-square-foot building granted under Plot Plan No. 73-21. A 2,972-square-foot addition to the rear of the building was completed in 1983.

On October 5, 2004, City Council passed Ordinance No. 04-1322 (Exhibit No. 3), which requires a conditional use permit (CUP) for any auto repair use located within one-hundred (100) feet of a residential zone or within the CR (Commercial, Regional) zoning district.

A CUP can only be approved by the Commission if certain affirmative findings can be made, including providing adequate onsite parking and meeting applicable development standards contained in Section 9138.2. The Commission may require additional improvements to the property, or any buildings or structures thereon, which may include but are not limited to the following:

1. New or rehabilitated landscaping;
2. Exterior changes to promote compatibility of buildings and structures with surrounding development;
3. General repairs to vehicular maneuvering or parking areas; and
4. Modifications designed to bring a structure more nearly into compliance with the applicable standards for commercial uses.

### *Planning Commission Workshops*

The Planning Commission held two separate workshops on May 12, 2009 and June 9, 2009 to review, discuss, and evaluate existing auto repair businesses in Carson, including developing goals and objectives related to CUP (and zoning) compliance for these businesses. In addition to the basic standards for auto-repair related uses within 100 feet of residential zones, and those within the CR zone, as prescribed in CMC Section 9138.2, Planning Commission concurred with staff's recommendation to prioritize the following issues when considering CUP applications for these uses:

- 1) Building façade improvements: Many of the existing buildings used for auto repair are in need of aesthetic upgrades, including repair of cracks, new stucco and/or paint, new windows and/or doors, modernized decorative accoutrement (foam window accents, faux support columns, base trim, lighting, etc.).



- 2) General site improvements: Parking layout and striping, parking for the disabled, paving, pothole repair, walls and/or fences, trash area(s) and enclosure(s).
- 3) Landscaping: Front yard setback with flowers, shrubs, and/or trees and interior landscaping within the parking areas and/or along the side and rear yard setbacks.
- 4) Signs: *Building-mounted signs*: upgrades and repair to existing, location and design/color considerations. *Pole-mounted signs/monument signs*: Existing pole-mounted signs to be converted to monument signs, where physically possible or otherwise required.
- 5) Interior Improvements: ADA-compliant restrooms and accessibility, where applicable, upgrades to lobby and areas accessible to the public, display showrooms, and equipment and/or vehicle repair and service areas.
- 6) Operation Standards: Assure compliance with SUSMP, recycling of waste materials, compliance with regulatory codes (fire, sanitation, building, etc.) and establishment of best management practices.
- 7) Land-use Compatibility: To identify and assess properties containing auto repair uses deemed incompatible with existing adjacent uses, with uses in the immediate vicinity, or those located within areas where auto repair uses have been identified as inconsistent with the goals and objectives established for such areas (i.e. Carson Street Mixed-Use zone).

As a result of the second workshop, existing auto repair uses were categorized into four groups based on certain business characteristics. These groups include the Commercial, Regional (CR) zone, Carson Street, existing new vehicle dealerships, and small businesses and/or family-owned and operated businesses.

Pep Boys is one of five auto-repair related uses within the CR zone, which is characterized by large, single-tenant properties occupied by nationally recognized corporate names. Within the CR group, there are two sub-groups, which are those located along Avalon Boulevard and those located along Dominguez Street. Both CR sub-groups are recognized on the basis of their rationale for distinct forms of business signs, with those along Avalon Boulevard requiring monument signs and the Dominguez Street businesses requiring modified pylon signs. Pep Boys and Just Tires are the auto-repair related businesses located along Dominguez Street.

### III. Analysis

#### *Just Tires – Conditional Use Permit No. 729-09*

Given that Just Tires is adjacent to the subject property, a summary of their CUP application is included to maintain consistency with Pep Boys' CUP application.

Just Tires planned to occupy a vacated building formerly used by a competitor, so a complete rebranding was proposed for the building, including new signs, colors,



decorative building enhancements, new roll-up doors, windows and window framing, and parking lot improvements. On May 26, 2009 the Planning Commission continued Just Tires' CUP application to allow time for them to conduct the auto-repair workshops so that goals and objectives produced from the workshops could be implemented for Just Tires and other CUP applications to follow. Just Tires was approved by the Planning Commission on July 14, 2009. Conditions of approval for Just Tires included a new landscaping plan and revised signage plans.

*Pep Boys – Conditional Use Permit No. 744-09*

Currently, about 30 percent of the overall floor area of the Pep Boys building is devoted to the auto repair service portion of the business, which occupies the majority of the east side of the building. The rest of the floor area is used for display of retail auto accessories, a customer lounge, restrooms, sales counter and offices. There are a total of four roll-up access doors on the east side of the building used for auto repair related purposes, including lifts and hatchways for working underneath the vehicles.

Beginning in 2003, Pep Boys began construction on an extensive rehabilitation plan that included a rebranding of the corporate icon by removing the familiar "Manny, Moe, and Jack" characters, repair of cracks and repainting, installing new bay doors, new signs and refacing of the pylon sign, a reslurry and restriping of the parking area and various ADA-compliant improvements both inside and out. The applicant estimates that over \$130,000 was spent during this time.

For the proposed project, a new trash area is proposed for the southwest corner of the building, to be constructed to standards contained in Section 9164 of the CMC. The applicant has also provided staff a copy of their corporate environmental procedures and best management practices, including treatment of wastewater and storm water runoff, collection and disposal of hazardous materials (brake linings, oil filters, used oil, etc.) and a statement on ethics and conduct.

Although these improvements are sufficient to comply with many of the basic operational and development standards contained in Section 9138.2 of the CMC, they are being done with some trepidation due to a perception of a negative cost-benefit ratio on the part of the applicant. While the overall renovation project that Pep Boys has partially completed, and is proposing to complete is sufficient to meet minimum standards for the zone and the basic intent of the auto-repair ordinance, it does not match the architectural enhancement that Just Tires is providing as part of their overall renovation package.

However, given the emphasis on signs and landscaping made during the approval of the CUP for Just Tires, the applicant is proposing to rehabilitate existing landscaping on all planting areas with an automatic drip irrigation system and new flowers, shrubs, bushes, and groundcover as needed, and to modify their existing pole sign to decrease the width and make the sign cabinet consistent with what was approved for Just Tires. As part of their regular property maintenance program, Pep Boys plans to re-slurry and restripe the parking lot as part of their overall improvement plan.



### *Applicable Zoning Ordinance Regulations*

The proposed CUP is subject to the approval of a development plan in accordance with the Conditional Use Permit (CUP) procedures as provided in Section 9172.21 and subject to CMC Section 9138.2 (Vehicle Service and Repair).

### *Required Findings: Conditional Use Permit*

Pursuant to Section 9172.21(D), Conditional Use Permit, the Planning Commission may approve the proposal only if the following findings can be made in the affirmative:

1. The proposed use and development will be consistent with the General Plan.
2. The site is adequate in size, shape, topography, location, utilities and other factors to accommodate the proposed use and development.
3. There will be adequate street access and traffic capacity.
4. There will be adequate water supply for fire protection.
5. The proposed use and development will be compatible with the intended character of the area.

All of the required findings pursuant to Section 9172.21(D) can be made in the affirmative. Details can be found in the attached Resolution.

### *Issues of Concern:*

- Issue – Pylon Sign: The 26-foot high pylon sign currently located at the northwest corner of the subject property is out of proportion relative to other pylon signs in the area, with a cabinet much larger and wider than other signs with similar heights. The applicant contends that the larger width is necessary to make the sign more visible to automobiles passing along Dominguez Street. While the eastbound traffic on Dominguez is presented with difficulty in viewing the sign because of the curvature of the road, the extra width is not seen because the majority of the sign is hidden behind Just Tires building's northeast corner. From the westbound lanes of Dominguez Street, drivers have an unobstructed view of the sign from as far back as Leapwood Avenue given the straightness of Dominguez Street along this stretch and that there are no buildings in the way to block the view.
  - Mitigation: The applicant shall modify their existing pylon sign cabinet to be consistent with the size and shape approved for the Just Tires property. A condition of approval has been added to this effect.

## **IV. Environmental Review**

Pursuant to Section 15301(e), Existing Facilities, of the California Environmental Quality Act (CEQA), the proposed improvements to the existing commercial building do not have the potential to cause a significant effect on the environment and are found to be exempt.



**V. Recommendation**

That the Planning Commission:

- **APPROVE** Conditional Use Permit No. 744-09; and
- **WAIVE** further reading and **ADOPT** Resolution No.\_\_\_\_, entitled "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON APPROVING CONDITIONAL USE PERMIT NO. 744-09 TO PERMIT AN EXISTING AUTO PARTS SALES AND AUTO REPAIR STORE LOCATED AT 810 E. DOMINGUEZ STREET."

**VI. Exhibits**

1. Draft Resolution
2. Land Use Map
3. Ordinance No. 04-1322
4. Development Plans

Prepared by: 

Steven Newberg, AICP, Associate Planner

Reviewed by: 

John F. Signo, AICP, Senior Planner

Approved by: 

Sheri Repp, Planning Manager



**CITY OF CARSON**  
**PLANNING COMMISSION**  
**RESOLUTION NO. 10-**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE  
CITY OF CARSON APPROVING CONDITIONAL USE PERMIT  
NO. 744-09 TO PERMIT AN EXISTING AUTO PARTS SALES  
AND AUTO REPAIR STORE LOCATED AT 810 E. DOMINGUEZ  
STREET**

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

**Section 1.** An application was duly filed by the applicant, DLA Piper, LLC, on behalf of Pep Boys, LLC, with respect to real property located at 810 E. Dominguez Street, and described in Exhibit "A" attached hereto, requesting the approval of Conditional Use Permit No. 744-09 to authorize an auto parts sales and auto repair store in the CR-D (Commercial, Regional-Design Overlay Review) zoning district.

A public hearing was duly held on January 26, 2010, at 6:30 P.M. at City Hall, Council Chambers, 701 East Carson Street, Carson, California. A notice of time, place and purpose of the aforesaid meeting was duly given. Evidence, both written and oral, was duly presented to and considered by the Planning Commission at the aforesaid meeting.

**Section 2.** The Planning Commission finds that:

- a) The property lies within the area designated on the General Plan as available for Regional Commercial uses and bears a consistent zoning classification of CR-D (Commercial, Regional – Design Overlay). The existing auto repair business adheres to the goals and policies described in the Land Use Element of the General Plan for the Regional Commercial designation and is also a permitted use in the CR-D zone.
- b) The subject site is square, flat, and located within a built and urbanized environment with adequate utilities to accommodate the existing uses and development. The subject property is 56,863 square feet (1.3 acres), which is in excess of the minimum size required for commercial lots in the CR zone for this use. Accordingly, the site has sufficient space for to accommodate the proposed use.
- c) The project involves acquiring a CUP for an existing auto retail and repair facility that will continue to provide adequate street access and traffic capacity. The improvements contemplated in connection with the CUP will not increase the size or capacity of the existing auto repair facility and therefore will not change the existing trip volume generated from the use. Customer parking areas provide adequate and safe circulation of vehicles and pedestrians on site and serve both the retail and service portions of the facility. The existing 63 parking spaces onsite are sufficient to comply with applicable zoning codes for the use.
- d) The existing facility provides adequate access for emergency vehicles, including the Fire Department, by way of a large common driveway and parking.



lot that wraps around the west and south faces of the building. There is an existing water valve located within the right-of-way along the north side of the subject site, facing Dominguez Street, and adequate water supply in the area for fire protection.

- e) The existing development is complementary and consistent with the intended character of the area, in terms of providing for community needs. The site is surrounded by commercial uses, including an automobile tire sales and service center which provides auto-related services where patrons can have any number of services performed on their cars, thereby reducing the need for separate trips.
- f) The use will comply with the City's development standards for auto repair facilities as outlined in Section 9138.2 of the CMC.

**Section 3.** The Planning Commission further finds that the proposed use will not have a significant effect on the environment. The proposed use will not alter the predominantly commercial regional character of the surrounding area and will meet or exceed all City standards for protection of the environment. Therefore, the proposed project is found to be categorically exempt under Section 15301(e) of the CEQA (California Environmental Quality Act) Guidelines.

**Section 4.** Based on the aforementioned findings, the Commission hereby approves Conditional Use Permit No. 744-09 with respect to the property described in Section 1 hereof, subject to the conditions set forth in Exhibit "B" attached hereto.

**Section 5.** The Secretary shall certify to the adoption of the Resolution and shall transmit copies of the same to the applicant.

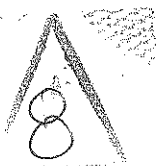
**Section 6.** This action shall become final and effective fifteen days after the adoption of this Resolution unless within such time an appeal is filed with the City Clerk in accordance with the provisions of the Carson Zoning Ordinance.

**PASSED, APPROVED AND ADOPTED THIS 26<sup>th</sup> DAY OF JANUARY, 2010**

\_\_\_\_\_  
**CHAIRMAN**

**ATTEST:**

\_\_\_\_\_  
**SECRETARY**



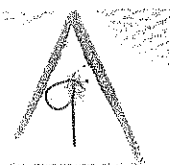


**CITY OF CARSON  
DEVELOPMENT SERVICES  
PLANNING DIVISION  
EXHIBIT "A"  
LEGAL DESCRIPTION  
CONDITIONAL USE PERMIT NO. 744-09**

**Property Address:** 810 E. Dominguez Street

**Parcel Identification Number:** 7381-025-036

Lot 4 of Parcel Map 3450, in the City of Carson, County of Los Angeles, State of California as per Map recorded in Book 43, Pages 33 of Maps, in the Office of the County Recorder of Said County.



**CITY OF CARSON**  
**ECONOMIC DEVELOPMENT**  
**PLANNING DIVISION**  
**EXHIBIT "B"**  
**CONDITIONS OF APPROVAL**  
**CONDITIONAL USE PERMIT NO. 744-09**

**GENERAL CONDITIONS**

1. If a business license permit for said use is not issued within one year of the date of approval of Conditional Use Permit No. 744-09, said permit shall be declared null and void unless an extension of time is requested prior to expiration and approved by the Planning Commission.
2. Upon activation, the Conditional Use Permit shall become automatically null and void if said use has been suspended or has ceased to exist for a period of one year, unless an extension of time is requested prior to expiration and approved by the Planning Commission.
3. 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.
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 minor revisions shall be reviewed and 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. 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.



8. The applicant shall submit two complete sets of plans that conform to all the Conditions of Approval to be reviewed and approved by the Planning Division prior to the issuance of a building permit.
9. In accordance with Ordinance No. 04-1322, the owner/applicant provided a report which includes plans to eliminate or mitigate any building, plumbing, electrical and fire code deficiencies that may exist on the subject commercial building located at 810 E. Dominguez Street. The mitigation measures in the report are hereby incorporated in these conditions of approval and shall be completed within 90 days of the Planning Commission's approval.
10. The owner/applicant shall re-slurry the parking lot and re-paint all parking spaces in compliance with CMC requirements.
11. The owner/applicant shall comply with the Standard Urban Storm Water Plan (SUSUMP) requirements. Owner/applicant shall coordinate with the city's Development Services Department, Public Works Division, Patricia Elkins.
12. The owner/applicant shall construct a new trash enclosure consistent with the City's municipal code, and subject to Planning Division review and approval. Prior to construction, building permits shall be secured if necessary.
13. The owner/applicant shall submit a landscape and irrigation plan. Said plan shall illustrate the planting of new shrubs, flowering evergreen ground cover, and existing and/or proposed trees. All trees and new shrubs planted shall be maintained by an automatic drip irrigation system. Existing landscaping shall be removed as noted on plans and replaced by the approved landscaping plan. Failure to maintain landscaping will result in Code Enforcement action against the property owner.
14. The owner/applicant shall apply for a separate sign permit. Approval of said permit shall be subject to Planning Commission review and approval for proper size, height, type, material, and design standards to be applied consistently with all auto repair uses within the CR (Commercial, Regional) zoning district adjacent to the South Bay Pavilion.
15. The revised sign plan shall be submitted to the Planning Division for review and approval prior to submitting to Building and Safety for plan check.
16. Any future building expansions will require a modification request to the Conditional Use Permit.
17. Applicant shall defend, indemnify and hold harmless the City of Carson, its agents, officers, or employees from any claims, damages, action, or proceeding against the City or its agents, officers, or employees to attack, set aside, void or annul, and approval of the City, its advisory agencies, appeal boards, or legislative body concerning Conditional Use Permit No. 744-09. The City will promptly notify the Applicant of any such claim, action, or proceeding against the City and the Applicant will either undertake defense of the matter and pay the City's associated legal costs or will advance funds to pay for defense of the matter by the City Attorney. The City will cooperate fully in the defense.



Notwithstanding the foregoing, the City retains the right to settle or abandon the matter without the Applicant's consent but should it do so, the City shall waive the indemnification herein, except, the City's decision to settle or abandon a matter following an adverse judgment or failure to appeal, shall not cause a waiver of the indemnification rights herein.

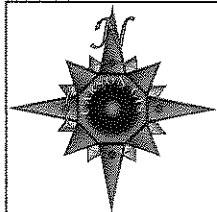
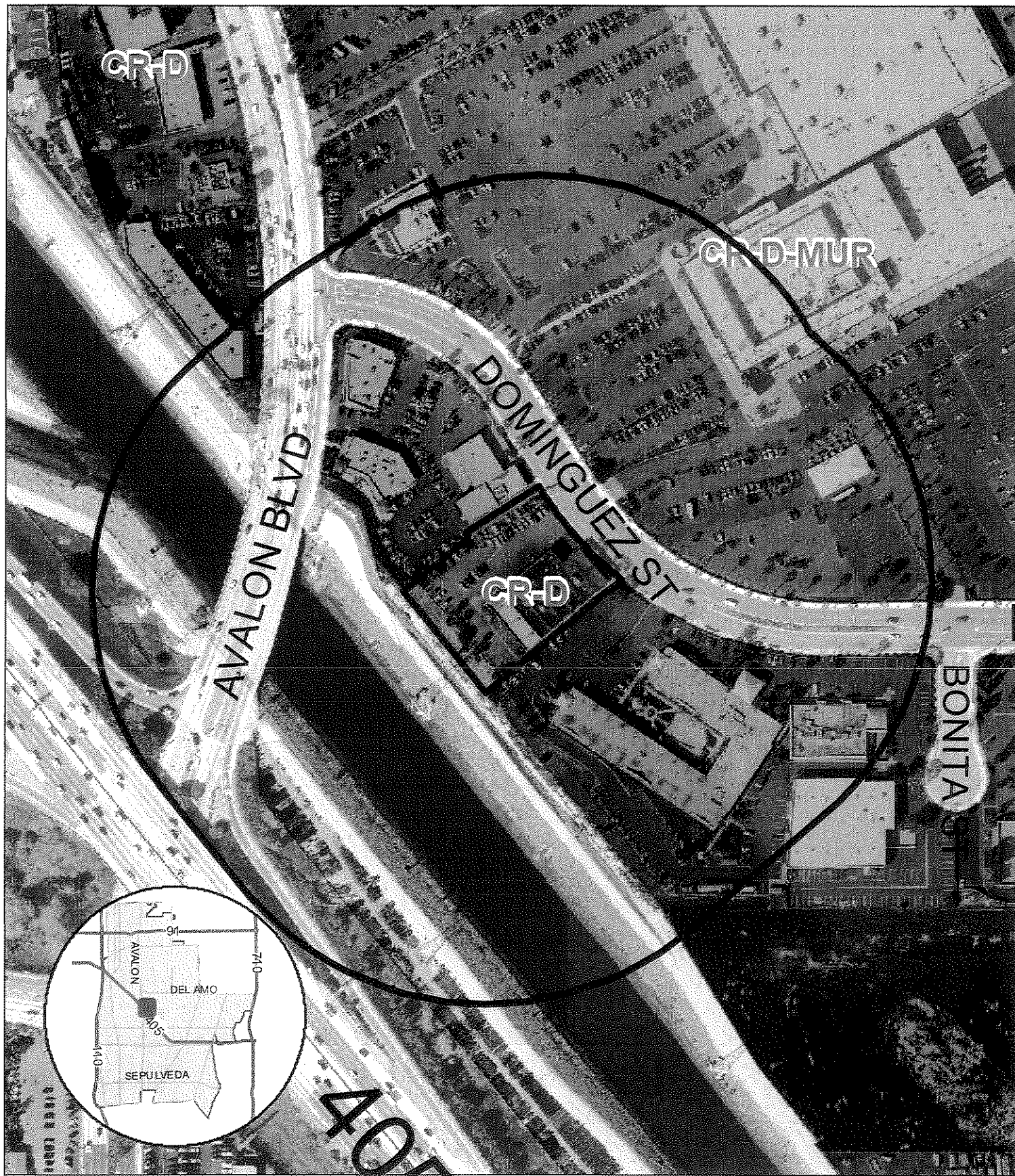
ENGINEERING SERVICES DEPARTMENT - CITY OF CARSON

18. Prior to issuance of a Building Permit, Proof of Worker's Compensation and Liability Insurance must be on file with the Los Angeles County Building and Safety Department.

BUSINESS LICENSE DEPARTMENT – CITY OF CARSON

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





City of Carson  
500 Foot Radius Map  
810 E Dominguez St

Exhibit 2



**ORDINANCE NO. 04-1322**

**AN ORDINANCE OF THE CITY OF CARSON REGARDING VEHICLE REPAIR AND SERVICE WITHIN THE CR (COMMERCIAL, REGIONAL) ZONE, THE MUR (MIXED USE RESIDENTIAL) OVERLAY DISTRICT AND PROPERTIES IN ALL ZONES WITHIN 100 FEET OF RESIDENTIAL ZONES**

**THE CITY COUNCIL OF THE CITY OF CARSON DOES ORDAIN AS FOLLOWS:**

**Section 1. Code Amendment.** Section 9131.1 (Uses Permitted) of Division 1 (Uses Permitted) of Part 3 (Commercial Zones) of Chapter 1 (Zoning) of Article IX (Planning and Zoning) of the Carson Municipal Code is hereby amended to read as follows:

**"ZONES**

**CN CR CG CA**

**Repair of all vehicles up to 2-ton capacity (no boats):**

**Minor repair as defined in section 9138.11  
and subject to the provisions of Section 9138.2  
(See Section 9133)**

**C L**

**Major repair as defined in Section 9138.11 and  
subject to the provisions of Section 9138.2 and  
Section 9138.15 (for CA zone only)\* (See Section  
9133)"**

**L C**

**Section 2. Code Amendment.** Section 9131.13 (Uses Permitted within a Mixed-Use Residential MUR Overlay District) of Division 1 (Uses Permitted) of Part 3 (Commercial Zones) of Chapter 1 (Zoning) of Article IX (Planning and Zoning) is hereby amended by adding paragraph E to read as follows:

**"E. Vehicle repair and service is permitted for non mixed-use commercial/residential developments, subject to the approval of a Conditional Use Permit by the Planning Commission pursuant to Section 9172.21 and the requirements of Section 9138.2."**

**Section 3. Code Amendment.** Section 9132.2 (Vehicle Sales and Service) of Division 2 (Accessory Uses) of Part 3 (Commercial Zones) of Chapter 1 (Zoning) of Article IX (Planning and Zoning) is hereby amended by modifying paragraphs 2, 3, 4 and 7 to read as follows:

**"Minor repairs and services (as defined in Section 9138.11) are permitted with an automobile service station or automobile laundry other than a self-service automobile laundry. (See Section 9138.12 and 9138.13) and (Section 9133 for**





CR zone, MUR Overlay District and properties in all zones within 100 feet of residential zones).

Minor repairs and services (as defined in Section 9138.11) incidental to the sale of new automobile parts, and including the installation of seat covers, are permitted with the sale of new automobile parts subject to the requirements of Section 9138.2. (See Section 9133 for CR zone, MUR Overlay District and properties in all zones within 100 feet of residential zones).

Major repairs and services (as defined in Section 9138.11), as well as minor repairs and services are permitted with motor vehicle sales, subject to the requirements of Section 9138.2 and 9138.15(c). (See Section 9133 for CR zone, MUR Overlay District and properties in all zones within 100 feet of residential zones).

Minor repairs and services (as defined in Section 9138.11(A)(4)) are permitted with a vehicle auction. (See Section 9133 for CR zone, MUR Overlay District and properties in all zones within 100 feet of residential zones)."

**Section 4. Code Amendment.** Section 9133 (Conditional Use Criteria) of Division 3 (Conditional Use Criteria) of Part 3 (Commercial Zones) of Chapter 1 (Zoning) of Article IX (Planning and Zoning) is hereby amended by adding a new paragraph to read as follows:

"Vehicle Repair and Service:

Compliance with the provisions of Section 9138.2."

**Section 5. Code Amendment.** Section 9138.12 (Automobile Service Stations) of Division 8 (Special Requirements for Certain Uses) of Part 3 (Commercial Zones) of Chapter 1 (Zoning) of Article IX (Planning and Zoning) is hereby amended by modifying paragraph 5 to read as follows:

"A(5). Minor repair and service of automobiles and other motor vehicles, except in CA zone (these uses not permitted within an Automobile Service Station). (See Section 9133 for CR zone, MUR Overlay District and properties in all zones within 100 feet of residential zones)."

**Section 6. Code Amendment.** Section 9138.21 (Vehicle Auctions) of Division 8 (Special Requirements for Certain Uses) of Part 3 (Commercial Zones) of Chapter 1 (Zoning) of Article IX (Planning and Zoning) is hereby amended by modifying paragraph

4 to read as follows:

"4. Vehicle service and repair may be permitted as an accessory use, subject to Section 9132.2 of this Chapter (See Section 9133 for CR zone, MUR Overlay District and properties in all zones within 100 feet of residential zones)."

**Section 7. Code Amendment.** Section 9138.2 (Vehicle Service and Repair) of Division 8 (Special Requirements for Certain Uses) of Part 3 (Commercial Zones) of Chapter 1 (Zoning) of Article IX (Planning and Zoning) is hereby amended by numbering existing paragraphs and adding paragraphs 1 and 8-17 to read as follows:

"The servicing and repair of motor vehicles in the commercial zones at establishments other than retail petroleum outlets" shall be subject to the following:

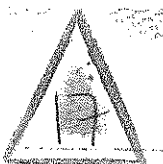
1. Vehicle repair and service located within 100 feet of any residential zone, as measured from lot line to lot line, shall be subject to the approval of a Conditional Use Permit by the Planning Commission pursuant to Section 9172.21. Within the CR (Commercial, Regional) zone and MUR (Mixed-Use Residential) Overlay District, a Conditional Use Permit is required regardless of the 100 foot distance requirement.
2. All operations shall be conducted within an enclosed building.
3. All areas or structures in which such operations are conducted shall be so located or soundproofed as to prevent annoyance or detriment to surrounding property. In no case shall doors or windows be permitted in any wall within 100 feet of and facing a residential zone.
4. All damaged or wrecked vehicles awaiting repair shall be effectively screened so as not to be visible from surrounding property or from any adjoining public street or walkway.
5. All repair activities shall be confined to the hours between 7:00 a.m. to 9:00 p.m. daily.
6. No damaged or wrecked vehicles shall be stored for purposes other than repair and shall not constitute a vehicle wrecking, dismantling, or impounding yard, or junk or salvage yard.
7. Dismantling of vehicles for purposes other than repair is prohibited.
8. All display and storage shall be located within an enclosed building.





Vehicles awaiting service may be parked in an unenclosed area for a period not to exceed 72 hours. Vending machines shall be placed indoors.

9. The entire ground area of the site, except building and planting areas, shall be paved with asphaltic compound or concrete to City standards and shall comply with the Standard Urban Stormwater Mitigation Plan (SUSMP) requirements as stated in Article V Sanitation & Health, Chapter 8 Stormwater & Urban Runoff Pollution Control section of the Carson Municipal Code.
10. Design a repair/maintenance bay drainage system to capture all washwater, leaks and spills. Connect drains to sump for collection and disposal or connect to clarifier then sanitary sewer.
11. That development and architectural plans indicating compliance with the provisions of this section and embodying acceptable design standards shall be submitted for approval by the Planning Division and made a condition of an approved Conditional Use Permit.
12. All entrances to rest rooms shall be located within the building in such a manner as not to be visible from adjacent property.
13. Parking shall be provided as follows:
  - a. One automobile parking space shall be provided for each employee on the largest shift.
  - b. Two parking spaces shall be provided for each service bay.
  - c. Spaces are to be striped and provided, as deemed necessary, with bumper guards or wheel stops approved by the Planning Division.
  - d. Vehicles may only be parked in designated parking spaces.
  - e. Parking for all other uses shall comply with Section 9162.21.
14. That landscaping shall be provided as follows:
  - a. Landscaped planters shall be provided along the full length of building facades facing streets or public parking areas.
  - b. All landscaped areas shall be protected by a curb not less than 6 inches in height or a raised planter wall between the landscaping and paved areas.
  - c. Landscaped planters not less than three feet in width shall be provided along all interior lot lines.
  - d. Landscaping shall consist of trees of at least 24-inch box, shrubs of at



least five gallon size, and suitable ground cover.

- e. All landscaped areas shall be properly maintained in a neat, orderly and safe manner. Such landscaping and maintenance shall include, but not be limited to, the installation and use of an irrigation system, permanently and completely installed, which delivers water directly to all landscaped areas.
15. A solid decorative masonry wall or wrought iron fencing with appropriate landscaping or other such appropriate screening material to the discretion of the Director, six feet in height shall be installed and maintained along interior property lines not occupied by a building, except that any screening located within the required front setback area shall not exceed 3 ½ feet in height.
16. That the requirements and limitations contained in this section shall be considered minimum standards provided, however, that the Planning Commission may:
- a. Require such additional conditions as are deemed necessary within the intent of Section 9172.21(D); or
  - b. Modify such requirements or limitations contained herein, which in the opinion of the Planning Commission, are inappropriate or inapplicable either to the intended use of the property, to the property itself or to adjacent property.
17. Signage shall be of appropriate design as approved pursuant to the Site Plan and Design Review procedures (including number of signs and sign structures to be permitted) as provided in Section 9172.23."

**Section 8. Code Amendment.** Paragraph (C) of Section 9162.21 (Parking Spaces Required) of Division 2 (Vehicular Parking, Loading and Maneuvering Areas) of Part 6 (General Development Standards) of Chapter 1 (Zoning) of Article IX (Planning and Zoning) is hereby amended by adding a new sub-paragraph (13) to read as follows:

Use	Off-Street Parking Required
"13. Vehicle Repair and Service	1 parking space shall be provided for each employee on the largest shift, plus 2 parking spaces shall be provided for each service bay. Parking for all other uses shall comply with Section 9162.21. "



**Section 9. Code Amendment.** Section 9182.22 (Termination of Existing Nonconforming Uses) of Division 2 (Nonconformities) of Part 8 (Implementing Provisions) of Chapter 1 (Zoning) of Article IX (Planning and Zoning) is hereby amended by adding the following language to the table in Paragraph A to read as follows:

Use	Allowable Life
"Vehicle Repair and Service located within the CR (Commercial, Residential) zone, the Mixed-Use Residential (MUR) Overlay District and properties in all zones within 100 feet of residential zones, subject to Section 9182.26	5 years "

**Section 10. Code Amendment.** Section 9182.26 (Continuation of Vehicle Repair and Service) of Division 2 (Nonconformities) of Part 8 (Implementing Provisions) of Chapter 1 (Zoning) of Article IX (Planning and Zoning) is hereby created to read as follows:

- \*A. Existing lawfully established vehicle repair and service uses located within the CR (Commercial, Regional), MUR (Mixed-Use Residential) Overlay District and all zones within 100 feet of residential zones shall obtain a Conditional Use Permit by the Planning Commission pursuant to Section 9172.21. An application for a Conditional Use Permit shall be submitted within a 5-year period of the effective date of this ordinance or prior to the termination of the amortization period, whichever provides the greater amount of time.

When approving a Conditional Use Permit, the Commission shall make findings regarding the adequacy of on-site parking and applicable development standards contained in Section 9138.2. The Commission shall require, as a condition precedent to the continued use of the property under the Conditional Use Permit, that a report be submitted by the applicant, which shall provide and include plans to eliminate or mitigate any Building, Plumbing Electrical and Fire Code deficiencies. The Commission may require additional improvements to the property, or any buildings or structures thereon, which may include but are not limited to the following:

1. New or rehabilitated landscaping;



2. Exterior changes to promote compatibility of buildings and structures with surrounding development;
3. General repairs to vehicular maneuvering or parking areas;
4. Modifications designed to bring a structure more nearly into compliance with the applicable standards for commercial uses.

This section shall not validate any existing illegal vehicle repair and service facilities."

**Section 11. Severability.** If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance or any part thereof is for any reason held to be unconstitutional or contrary to state law, such decision shall not affect the validity of the remaining portion of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsection, subdivision, paragraph, sentence, clause or phrase be declared unconstitutional or contrary to state law.

**PASSED, APPROVED and ADOPTED** this 5th day of October, 2004.

ATTEST:

*Don S. Kauragon*  
CITY CLERK

*Jim Dear*  
MAYOR

APPROVED AS TO FORM:

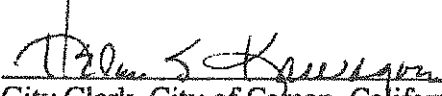
*W. W. Wynn*  
CITY ATTORNEY



STATE OF CALIFORNIA       )  
COUNTY OF LOS ANGELES   ) ss.  
CITY OF CARSON            )

I, Helen S. Kawagoe, City Clerk of the City of Carson, California, do hereby certify that the whole number of members of the City Council of said City is four; that the foregoing ordinance, being Ordinance No. 04-1322 passed first reading on September 21, 2004, was duly and regularly adopted by the City Council of said City at a regular meeting of said Council, duly and regularly held on the 5th day of October, 2004, and that the same was passed and adopted by the following roll call vote:

AYES:	COUNCIL MEMBERS:	Mayor Dear, Calas, Santarina, and Ruiz-Raber
NOES:	COUNCIL MEMBERS:	None
ABSTAIN:	COUNCIL MEMBERS:	None
ABSENT:	COUNCIL MEMBERS:	None

  
\_\_\_\_\_  
City Clerk, City of Carson, California

