



CITY OF CARSON

PLANNING COMMISSION STAFF REPORT

PUBLIC HEARING: March 23, 2010

SUBJECT: Conditional Use Permit No. 760-09
Conditional Use Permit No. 761-09
Conditional Use Permit No. 763-09

APPLICANT: Pat Brown
53901 East 8th Street
Long Beach, CA 90804

PROPERTY OWNER: Ralph Ohanessian
4617 West Artesia Boulevard, Suite A
Lawndale, CA 90260

REQUEST: To approve three separate Conditional Use Permits for J & Y Auto Care, A-1 Tint Doctor, and Avalon Smog, existing auto repair uses on the same site located in the CG-D (Commercial General, Design Overlay) zoning district.

PROPERTY INVOLVED: 22025 South Avalon Boulevard

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
		Diaz			Verrett
		Gordon			

I. Introduction

The applicant, Pat Brown on behalf of J & Y Auto Care, A-1 Tint Doctor, and Avalon Smog is requesting approval of Conditional Use Permit (CUP) Nos. 760-09, CUP No. 761-09 and CUP No. 763-09 to authorize the existing auto repair uses located at 22025 South Avalon Boulevard (Exhibit No. 2). Each auto repair business leases a separate tenant space from the property owner, Ralph Ohanessian.

The property is approximately 0.48-acre and occupied by a single-story commercial building totaling approximately 7,200 square feet. The subject property is zoned CG-D (Commercial General, Design Overlay), has a General Plan land use designation of General Commercial and within Redevelopment Project Area No. 4.

The subject property is bound by single family residences to the south and multi-family residences to the west. North of the site and east across Avalon Boulevard are commercial uses.

II. Background

The existing 7,200-square-foot single-story commercial building is occupied by three (3) separate tenants. The tenants include J & Y Auto (CUP No. 760-09), A-1 Tint Doctor (CUP No. 761-09) and Avalon Smog (CUP No. 763-09).

The existing building was constructed in 1955. Prior to the construction of the building, the property was vacant from 1947 to 1955. The site was occupied by several bread making companies from 1958 to 1976. From 1976 to 1985, the site was utilized by an air conditioning company. A sewing and knitting supply store occupied the property in 1985. Business license records show that A-1 Tint Doctor has been operating in Unit #B since 1989, J & Y Auto Care in Unit A since 2008, and Avalon Smog in Unit #C since 2009. The current property owner purchased the property site in early 2009.

City records show that an illegal fourth unit (Unit #D) was constructed in late 2008 or early 2009. During this time, a fourth auto repair facility operated within Unit #D until December 2009. The property owner was notified of the illegal fourth unit during staff review of the conditional use permits. Once notified, the fourth auto repair facility seized all operations and vacated the illegal unit. The illegal fourth unit is proposed for demolition and removal. The space will be incorporated into the legal businesses with no additional square feet proposed.

On October 5, 2004, the Carson City Council passed Ordinance No. 04-1322, 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. The three conditional use permits under consideration are within 100 feet of a residential zone.

A CUP can only be approved by the Planning Commission if certain affirmative findings can be made, including providing adequate on-site parking and meeting applicable development standards contained in Carson Municipal Code (CMC)



Section 9138.2. The Planning 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 repair 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.

In compliance with CMC Section 9138.2, the applicants and property owner submitted the CUP applications on November 10, 2009 for consideration by the Planning Commission.

III. Analysis

Conditional Use Permits

According to CMC Section 9172.21 – Conditional Use Permit, the Planning Commission shall recommend approval of the proposal if it is able to make affirmative findings based on the following criteria:

a. The proposed use and development will be consistent with the General Plan.

The proposed project is consistent with the General Plan of the city of Carson in that the subject property is designated for General Commercial and zoned CG-D (Commercial, General – Design Overlay). Auto repair uses have been operating on the site since 1989.

b. The site is adequate in size, shape, topography, location, utilities, and other factors to accommodate the proposed use and development.

The proposed project generally meets the City's design and development standards. The applicant will be required to remove any unpermitted signage and banners. The applicant proposes to re-paint the existing structure to a neutral/light grey and maroon color, remove and replace the awnings, provide additional landscaping, construct a new wrought iron fence, repair/re-surface broken asphalt, construct a new trash enclosure, up-grade the existing pole sign, and re-stripe the parking lot to meet parking standards. In compliance with CMC Section 9138.2 – Vehicle Service and Repair, the applicant is proposing to close and/or remove all doors and windows facing a residential zone. With the proposed improvements and removal of the illegal fourth unit, the site and building is adequate in size, shape, topography, location, and utilities to accommodate the proposed auto repair uses.

c. There will be adequate street access and traffic capacity.

Adequate driveway widths are provided on the site. Although the new striping of the parking lot will remove several non-conformities in respect to parking spaces and drive-aisle widths, a small portion of the parking lot will remain legal non-conforming. A small portion of the drive-aisle located in the rear of the property of the lot will have a width of 22 feet and 6 inches.



Per CMC Section 9126.51 – Standard for Automobile Parking Lot Design, the standard requirement for a two-way drive-aisle width for 90 degree parking spaces is 26 feet. The existing width for this portion of the lot is 13 feet and 10 inches, however with the improvements proposed by the applicant the drive-aisle width will be increased to 22 feet and 6 inches. CMC Section 9182.21 – Nonconforming Use Eligible for Conditional Use Permit or Other Approval states, “In granting a conditional use permit or special approval for such use, conditions may be included which provide for either the continuation or termination of each nonconformity existing on the site”. Since the drive-aisle width within this portion of the lot will be increased and improve an existing non-conformity, staff believes a 22 feet and 6 inches width is appropriate. In addition, the city’s Traffic Engineer has reviewed the site plan and determined the drive-aisle widths are adequate for safety and circulation.

Therefore, appropriate access is available for circulation and to ensure safety for pedestrians and motorists. Generally, the project will not affect or impact the safe circulation of either pedestrians or vehicular traffic.

d. There will be adequate water supply for fire protection.

Prior to the issuance of building permits, the Los Angeles County Fire Department will ensure adequate water supply for fire protection is provided.

e. The proposed use and development will be compatible with the intended character of the area.

The use is considered legal non-conforming with the approval of a conditional use permit by the Planning Commission. Although the existing building is not an ideal structure for auto repair uses and oriented where one service bay is visible from Avalon Boulevard, the property owner has proposed significant improvements to the site such as additional landscaping, reconfiguration of the parking lot, screening and façade improvements to the building to minimize visual and other impacts. With the proposed improvements, staff believes the project generally meets all applicable design standards and guidelines of the Municipal Code.

In addition, the Planning Division will require additional review and approval of all façade improvements and sign permits prior to the issuance of any building permits to ensure compatibility with the intended character of the area. Auto repair uses have been operating on the site since 1989, therefore staff believes the existing building and use is somewhat compatible to the current and intended character of the area.

f. Such other criteria as are specified for the particular use in other sections of this chapter (Zoning Ordinance).

The proposed project is subject to the requirements in CMC Section 9138.2 – Vehicle Service and Repair. The project meets all the minimum requirements stated within this section, however CMC Section 9138.2 (16) states, “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 CMC 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.”

Staff believes no additional requirements or limitations are needed. The auto repair facilities are an existing use within an existing building. The facility will be upgraded with the approval of the conditional use permits and improved for circulation, aesthetics, safety, and noise.

Therefore, project meets the goals and objectives of the General Plan and is consistent with applicable zoning and design regulations subject to compliance with the conditions of approval. Therefore all of the required findings pursuant to Section 9172.21(D), “Conditional Use Permit, Commission Findings and Decision” and Section 9138.2, “Vehicle Service and Repair” can be made in the affirmative.

IV. Environmental Review

Pursuant to Section 15301 – Existing Facilities (Class 1) of the California Environmental Quality Act (CEQA), the approval of conditional use permits for three (3) existing auto repair facilities located on the same site is exempt. The project does not have the potential to cause a significant effect on the environment.

V. Recommendation

That the Planning Commission:

- APPROVE Conditional Use Permit No. 760-09, Conditional Use Permit No. 761-09, and Conditional Use Permit No. 763-09;
- WAIVE further reading and ADOPT Resolution No. 10-_____, entitled “A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON APPROVING CONDITIONAL USE PERMIT NO. 760-09 TO PERMIT AN EXISTING AUTO REPAIR FACILITY (J & Y AUTO CARE) LOCATED AT 22025 SOUTH AVALON BOULEVARD UNIT A”; and

WAIVE further reading and ADOPT Resolution No. 10-_____, entitled “A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON APPROVING CONDITIONAL USE PERMIT NO. 761-09 TO PERMIT AN EXISTING AUTO REPAIR FACILITY (A-1 TINT DOCTOR) LOCATED AT 22025 SOUTH AVALON BOULEVARD UNIT B”; and

WAIVE further reading and ADOPT Resolution No. 10-_____, entitled “A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON APPROVING CONDITIONAL USE PERMIT NO. 763-09 TO PERMIT AN EXISTING AUTO REPAIR FACILITY (AVALON SMOG) LOCATED AT 22025 SOUTH AVALON BOULEVARD UNIT C”.

VI. Exhibits

1. Draft Resolutions
2. Site Map
3. Development Plans (under separate cover)

Prepared by:


Sharon Song, Associate Planner

Reviewed by:


John F. Signo, AICP, Senior Planner

Approved by:


Sheri Repp, Planning Officer



CITY OF CARSON
PLANNING COMMISSION
RESOLUTION NO. 10-XXXX

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF CARSON APPROVING CONDITIONAL USE PERMIT
NO. 760-09 TO PERMIT AN EXISTING AUTO REPAIR FACILITY
(J & Y AUTO CARE) LOCATED AT 22025 SOUTH AVALON
BOULEVARD UNIT A**

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

Section 1. An application was duly filed by Pat Brown on behalf of the applicant J & Y Auto Care and property owner Ralph Ohanessian, with respect to real property located at 22025 South Avalon Boulevard, and described in Exhibit "A" attached hereto, requesting the approval of Conditional Use Permit No. 760-09 to authorize the existing auto repair use in the CG-D (Commercial, General-Design Overlay Review) zoning district.

A public hearing was duly held on March 23, 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 General Commercial uses and bears a consistent zoning classification of CG-D (Commercial, General – 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 General Commercial designation and is also a permitted use in the CG-D zone.
- b) The subject site is square, flat, and located within a built and urbanized environment with adequate utilities to accommodate the existing use and development. The subject property is approximately 0.48 acres, which is in excess of the minimum size required for commercial lots in the CG zone for this use. Accordingly, the site has sufficient space to accommodate the proposed use.
- c) The project involves acquiring a CUP for an existing auto 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 will provide adequate and safe circulation of vehicles and pedestrians on site and serve the facility. The proposed 20 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 and adequate water supply is provided in the area for fire protection.
- e) The existing development is consistent with the intended character of the area.
- 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 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. 760-09 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 23rd DAY OF March, 2010

CHAIRMAN

ATTEST:

SECRETARY



Exhibit "A"

Ralph Ohanessian and Sirush W. Ohanessian, Trustees of the Ohanessian Family Trust, created under declaration of trust dated January 27, 2004
all that real property situated in the City of Carson, County of Los Angeles, State of California, and described as follows:
Lot 24 of Tract No. 2982, in the City of Carson, County of Los Angeles, State of California, as per Map recorded in Book 35, Page(s) 31 of Maps, in the office of the County Recorder of said County.
Dated: January 28, 2008

CITY OF CARSON
ECONOMIC DEVELOPMENT
PLANNING DIVISION
EXHIBIT "B"
CONDITIONS OF APPROVAL
CONDITIONAL USE PERMIT NO. 760-09

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. 760-09, 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, if needed.
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 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.
7. The applicant and property owner shall sign an Affidavit of Acceptance form and submit the document to the Planning Division within 30 days of receipt of the Planning Commission Resolution.



8. 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.
9. The owner/applicant shall re-slurry and provide striping for the appropriate number of parking spaces and bumper stops as called for in the Carson Municipal Code.
10. The owner/applicant shall construct a new trash enclosure consistent with the Carson Municipal Code, and subject to Planning Division review and approval. Prior to construction, building permits shall be secured if necessary.
11. The owner/applicant shall submit a landscape and irrigation plan. Said plan shall illustrate the planting of new shrubs, ground cover, and existing and/or proposed trees. Failure to maintain landscaping will result in Code Enforcement action against the property owner.
12. The owner/applicant shall apply for a separate sign and/or banner permits, if applicable. Approval of said permit shall be subject to Planning Division's review and approval for proper size, height, type, material, and design standards to be applied consistently the CG (Commercial, General) zoning district.
13. 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.
14. The building shall be painted light grey with maroon trim. Prior to the issuance of buildings permits, the Planning Division shall approve the proposed colors of the building to ensure compatibility with the surrounding area.
15. The property owner and/or tenant shall comply with the city's standard requirements for a business license prior to the transferring of an existing or establishment of a new auto repair business. The Planning Division shall review any business license application to ensure the new use does not result in a substantial change from the current auto repair use. Substantial changes shall require authorization of a modification of conditions from the Planning Commission prior to the approval/issuance of the business license.
16. All vehicles are prohibited from backing on to Avalon Boulevard. If 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.
17. In accordance with Ordinance No. 04-1322, the owner/applicant will provide 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 22025 South Avalon Boulevard. The mitigation measures in such report shall be hereby incorporated in these conditions of approval and



such report shall be completed and submitted to the Planning Division within 90 days of the Planning Commission's approval, with an additional 90 days permitted to allow for the mitigation measures, if any, to be completed subject to the Planning Division's review and approval.

18. The owner/applicant shall provide for public use above-ground storage tanks to hold used automotive oil for recycling purposes in accordance to industry "best management" practices. The Planning Division shall approve the location and signage for company "used oil recycling" services.
19. All operations such as work or repair on vehicles must be conducted within the building. No work shall be permitted within the parking lot.
20. 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.
21. All repair activities shall be confined to the hours between 7:00 a.m. to 9:00 p.m. daily.
22. 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 seventy-two (72) hours.
23. Prevent storm water pollutants of concern such as oil and grease, solvents, car battery acid, coolant and gasoline from entering into the storm water conveyance system.
24. Avoid hosing down work areas. If work areas are washed, collect and direct wash water to sanitary sewer. Use dry sweeping if possible.
25. Designate a special area to drain and replace motor oil, coolant, and other fluids, where there are no connections to the storm drain or the sanitary sewer, and drips and spills can be easily cleaned up.
26. Post signs at sinks to remind employees not to pour wastes down drains.
27. 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. 760-09. 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

28. 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

29. 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
PLANNING COMMISSION
RESOLUTION NO. 10-XXXX

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF CARSON APPROVING CONDITIONAL USE PERMIT
NO. 761-09 TO PERMIT AN EXISTING AUTO REPAIR FACILITY
(A-1 TINT DOCTOR) LOCATED AT 22025 SOUTH AVALON
BOULEVARD UNIT B**

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- d) The existing facility provides adequate access for emergency vehicles, including the Fire Department and adequate water supply is provided in the area for fire protection.
- e) The existing development is consistent with the intended character of the area.
- 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 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. 761-09 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.

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PASSED, APPROVED AND ADOPTED THIS 23rd DAY OF March, 2010

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CONDITIONAL USE PERMIT NO. 761-09

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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, if needed.
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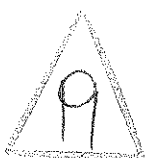


8. It is further made a condition of this approval that if any condition is violated or if any law, statute ordinance is violated, this permit may be revoked by the Planning Commission or City Council, as may be applicable; provided the applicant has been given written notice to cease such violation and has failed to do so for a period of thirty days.
9. The owner/applicant shall re-slurry and provide striping for the appropriate number of parking spaces and bumper stops as called for in the Carson Municipal Code.
10. The owner/applicant shall construct a new trash enclosure consistent with the Carson Municipal Code, and subject to Planning Division review and approval. Prior to construction, building permits shall be secured if necessary.
11. The owner/applicant shall submit a landscape and irrigation plan. Said plan shall illustrate the planting of new shrubs, ground cover, and existing and/or proposed trees. Failure to maintain landscaping will result in Code Enforcement action against the property owner.
12. The owner/applicant shall apply for a separate sign and/or banner permits, if applicable. Approval of said permit shall be subject to Planning Division's review and approval for proper size, height, type, material, and design standards to be applied consistently the CG (Commercial, General) zoning district.
13. 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.
14. The building shall be painted light grey with maroon trim. Prior to the issuance of buildings permits, the Planning Division shall approve the proposed colors of the building to ensure compatibility with the surrounding area.
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23. Prevent storm water pollutants of concern such as oil and grease, solvents, car battery acid, coolant and gasoline from entering into the storm water conveyance system.
24. Avoid hosing down work areas. If work areas are washed, collect and direct wash water to sanitary sewer. Use dry sweeping if possible.
25. Designate a special area to drain and replace motor oil, coolant, and other fluids, where there are no connections to the storm drain or the sanitary sewer, and drips and spills can be easily cleaned up.
26. Post signs at sinks to remind employees not to pour wastes down drains.
27. 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. 761-09. 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

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CITY OF CARSON
PLANNING COMMISSION
RESOLUTION NO. 10-XXXX

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF CARSON APPROVING CONDITIONAL USE PERMIT
NO. 763-09 TO PERMIT AN EXISTING AUTO REPAIR FACILITY
(AVALON SMOG) LOCATED AT 22025 SOUTH AVALON
BOULEVARD UNIT C**

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

Section 1. An application was duly filed by Pat Brown on behalf of the applicant Avalon Smog and property owner Ralph Ohanessian, with respect to real property located at 22025 South Avalon Boulevard, and described in Exhibit "A" attached hereto, requesting the approval of Conditional Use Permit No. 763-09 to authorize the existing auto repair use in the CG-D (Commercial, General-Design Overlay Review) zoning district.

A public hearing was duly held on March 23, 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 General Commercial uses and bears a consistent zoning classification of CG-D (Commercial, General – 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 General Commercial designation and is also a permitted use in the CG-D zone.
- b) The subject site is square, flat, and located within a built and urbanized environment with adequate utilities to accommodate the existing use and development. The subject property is approximately 0.48-acres, which is in excess of the minimum size required for commercial lots in the CG zone for this use. Accordingly, the site has sufficient space to accommodate the proposed use.
- c) The project involves acquiring a CUP for an existing auto 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 will provide adequate and safe circulation of vehicles and pedestrians on site and serve the facility. The proposed 20 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 and adequate water supply is provided in the area for fire protection.
- e) The existing development is consistent with the intended character of the area.
- 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 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. 763-09 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 23rd DAY OF March, 2010

CHAIRMAN

ATTEST:

SECRETARY



Exhibit "A"

Ralph Ohanessian and Sirush W. Ohanessian, Trustees of the Ohanessian Family Trust, created under declaration of trust dated January 27, 2004
all that real property situated in the City of Carson, County of Los Angeles, State of California, and described as follows:
Lot 24 of Tract No. 2982, in the City of Carson, County of Los Angeles, State of California, as per Map recorded in Book 35, Page(s) 31 of Maps, in the office of the County Recorder of said County.
Dated: January 28, 2008

CITY OF CARSON
ECONOMIC DEVELOPMENT
PLANNING DIVISION
EXHIBIT "B"
CONDITIONS OF APPROVAL
CONDITIONAL USE PERMIT NO. 763-09

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. 763-09, 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, if needed.
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 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.
7. The applicant and property owner shall sign an Affidavit of Acceptance form and submit the document to the Planning Division within 30 days of receipt of the Planning Commission Resolution.



8. 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.
9. The owner/applicant shall re-slurry and provide striping for the appropriate number of parking spaces and bumper stops as called for in the Carson Municipal Code.
10. The owner/applicant shall construct a new trash enclosure consistent with the Carson Municipal Code, and subject to Planning Division review and approval. Prior to construction, building permits shall be secured if necessary.
11. The owner/applicant shall submit a landscape and irrigation plan. Said plan shall illustrate the planting of new shrubs, ground cover, and existing and/or proposed trees. Failure to maintain landscaping will result in Code Enforcement action against the property owner.
12. The owner/applicant shall apply for a separate sign and/or banner permits, if applicable. Approval of said permit shall be subject to Planning Division's review and approval for proper size, height, type, material, and design standards to be applied consistently the CG (Commercial, General) zoning district.
13. 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.
14. The building shall be painted light grey with maroon trim. Prior to the issuance of buildings permits, the Planning Division shall approve the proposed colors of the building to ensure compatibility with the surrounding area.
15. The property owner and/or tenant shall comply with the city's standard requirements for a business license prior to the transferring of an existing or establishment of a new auto repair business. The Planning Division shall review any businessse license application to ensure the new use does not result in a substantial change from the current auto repair use. Substantial changes shall require authorization of a modification of conditions from the Planning Commission prior to the approval/issuance of the business license.
16. All vehicles are prohibited from backing on to Avalon Boulevard. If 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.
17. In accordance with Ordinance No. 04-1322, the owner/applicant will provide 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 22025 South Avalon Boulevard. The mitigation measures in such report shall be hereby incorporated in these conditions of approval and

such report shall be completed and submitted to the Planning Division within 90 days of the Planning Commission's approval, with an additional 90 days permitted to allow for the mitigation measures, if any, to be completed subject to the Planning Division's review and approval.

18. The owner/applicant shall provide for public use above-ground storage tanks to hold used automotive oil for recycling purposes in accordance to industry "best management" practices. The Planning Division shall approve the location and signage for company "used oil recycling" services.
19. All operations such as work or repair on vehicles must be conducted within the building. No work shall be permitted within the parking lot.
20. 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.
21. All repair activities shall be confined to the hours between 7:00 a.m. to 9:00 p.m. daily.
22. 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 seventy-two (72) hours.
23. Prevent storm water pollutants of concern such as oil and grease, solvents, car battery acid, coolant and gasoline from entering into the storm water conveyance system.
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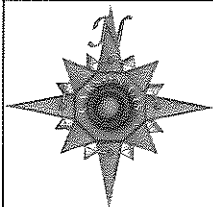


Exhibit 2