



## CITY OF CARSON

### PLANNING COMMISSION STAFF REPORT

PUBLIC HEARING: June 22, 2010

SUBJECT: Conditional Use Permit No. 798-10

APPLICANT: Kye Ho Lee  
22802 South Figueroa Street  
Carson, CA 90745

PROPERTY OWNER: Mohsen Ghaneian  
22802 South Figueroa Street  
Carson, CA 90745

REQUEST: To approve an existing auto repair business on a site located in the CG-D (Commercial General, Design Overlay) zoning district

PROPERTY INVOLVED: 22802 South Figueroa 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
		Diaz			Verrett
		Gordon			

***Item No. 11D***

## **I. Introduction**

The applicant, Kye Ho Lee is requesting approval of Conditional Use Permit (CUP) No. 798-10 to authorize the existing auto repair use located at 22802 South Figueroa Street (Exhibit No. 2).

The property site is 13,715 square feet and occupied by a service station (76 Conocco Phillips) and a single-story mini-mart building totaling 2,795 square feet. The existing auto repair use is located within the existing building, adjacent to the mini-mart. A paved and landscaped parcel located directly south of the site is currently being utilized as parking for the service station and auto repair use. The two parcels are owned and operated by the same owner.

The subject property is zoned CG-D (Commercial General, Design Overlay) and has a General Plan land use designation of General Commercial.

The subject property is bound by single family residences to the east and south. West of the site across South Figueroa Street are commercial uses and directly north of the site is 228<sup>th</sup> Street and residential condominiums.

## **II. Background**

The property is developed with a service station and a 2,795-square-foot building currently being utilized as a mini-mart and auto repair business. The current auto repair use has been lawfully operating since 1999 and consists of a two bay garage. There are no open code enforcement cases for this site.

### *Ordinance No. 04-1322*

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. The conditional use permit under consideration is for an auto repair use 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 applicant has submitted a CUP application 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 use has been operating on the site since 1999.

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

The proposed project meets the City's design and development standards. The current property owner provided site upgrades and façade improvements which significantly improved the site in 2008-2009 after a change in ownership. The adjacent parcel was paved and landscaped in 1999.

The applicant will be required to stripe parking spaces on the adjacent parcel in order to meet minimum parking requirements. No doors or windows face residential zones and all operations are conducted indoors. The site is in compliance with the requirements of CMC Section 9138.2 – Vehicle Service and Repair. With the proposed improvements the site and building is adequate in size, shape, topography, location, and utilities to accommodate the existing auto repair use.

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

Adequate driveway widths and street access are provided on the site. Per the parking requirements of CMC Section 9162.21, a total of six (6) parking spaces are required on-site. The site is developed with five (5) striped parking spaces, therefore the applicant is proposing to stripe an additional two (2) parking spaces resulting in a surplus of one (1) space.

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.**

The site is existing, therefore adequate water supply for fire protection is currently provided by the Los Angeles County Fire Department.

**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. The auto repair use has been operating at its current location since 1999. In addition, an auto repair use in conjunction with a service station is considered to be a compatible use and appropriate.



With the applicant's proposed improvements, staff believes the project generally meets all applicable design standards and guidelines of the Municipal Code.

Per the requirements of Ordinance No. 04-1322, the applicant has provided staff with a property inspection report that was prepared by a qualified/certified property inspector (Exhibit No. 3). The inspection report includes recommendations to eliminate or mitigate any building, plumbing, electrical and fire code deficiencies. As part of the conditions of approval, the applicant must address all items in the report to the satisfaction of the Planning division within 90 days from the approval of the conditional use permit.

With the recommendations stated in the inspection report and conditions of approval, staff believes the existing building and use is 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 facility is an existing use within an existing building.

Therefore, the 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 a conditional use permit for an existing auto repair facility located at the project 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.798-10;
- 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. 798-10 TO PERMIT AN EXISTING AUTO REPAIR FACILITY LOCATED AT 22802 SOUTH FIGUEROA STREET."

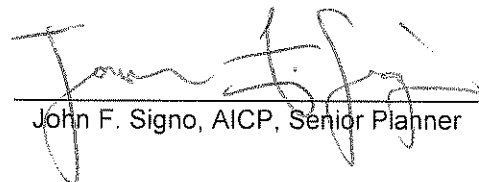
**VI. Exhibits**

1. Draft Resolutions
2. Site Map
3. Property Inspection Report
4. Development Plans (under separate cover)

**Prepared by:**

  
Sharon Song, Associate Planner

**Reviewed by:**

  
John F. Signo, AICP, Senior Planner

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

**A RESOLUTION OF THE PLANNING COMMISSION OF THE  
CITY OF CARSON APPROVING CONDITIONAL USE PERMIT  
NO. 798-10 TO PERMIT AN EXISTING AUTO REPAIR FACILITY  
LOCATED AT 22802 SOUTH FIGUEROA STREET**

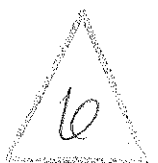
**THE PLANNING COMMISSION OF THE CITY OF CARSON, CALIFORNIA,  
HEREBY FINDS, RESOLVES AND ORDERS AS FOLLOWS:**

**Section 1.** An application was duly filed by Kye Ho Lee, with respect to real property located at 22802 South Figueroa Street, and described in Exhibit "A" attached hereto, requesting the approval of Conditional Use Permit No. 798-10 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 June 22, 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 has sufficient space to accommodate the proposed use and provide adequate driveways and access.
- 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.
- 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. 798-10 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 22<sup>nd</sup> DAY OF June, 2010**

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

**ATTEST:**

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



EXHIBIT "A"

Parcel A:

That portion of Lot(s) 1 of E. N. McDonald's Subdivision of Lot 8 of the 750 Acre Maria Machado De Rocha Tract, in the Rancho San Pedro, in the City of Carson, County of Los Angeles, State of California, as per map recorded in Book 52 Page(s) 3 of Miscellaneous Records, in the office of the County Recorder of said County, described as follows:

Beginning at the Northwest corner of Lot(s) 84 of Tract No. 18615, in said County, as per map recorded in Book 608 Page(s) 46 and 47 of Maps, records of said County; thence South  $0^{\circ} 27' 29''$  West 169.62 feet along the Westerly line of Lots 84, 68 and 67 of said Tract 18615, said Westerly line being also the Easterly line of said Lot 1 of E. N. McDonald's Subdivision; thence along a line at right angles thereto North  $89^{\circ} 32' 31''$  West 61.86 feet to a intersection with the Easterly line of Figueroa Street as shown on said Map of Tract 18615; thence along said Easterly line of Figueroa Street North  $15^{\circ} 04' 05''$  West, 59.38 feet to a tangent curve thereon concave Easterly and having a radius of 1950 feet; thence along said curve 84.22 feet to the beginning of a tangent curve concave to the Southeast having a radius of 25 feet and also being tangent to the Westerly prolongation of the Southerly line of Ocean Street (46.5 feet wide) as shown on the map of said Tract 18615; thence Northeasterly along said curve 44.92 feet to said last mentioned tangent line; thence along said tangent line South  $88^{\circ} 38' 16''$  East, 74.23 feet to the point of beginning.

EXCEPT therefrom all oil, gas, minerals, other hydrocarbon substances and underground water lying below a depth of 500 feet, but with no right of surface entry, as provided in deed recorded June 19, 1980 as Instrument No. 80-591586 of Official Records.

Parcel B:

Parcel 1:

The Northeasterly portion of Lot(s) 1 of E. N. McDonald's Subdivision of Lot 8 of the 750 Acre Maria Machado De Rocha Tract, in the Rancho San Pedro, in the City of Carson, County of Los Angeles, State of California, as per map recorded in Book 52 Page(s) 3 of Miscellaneous Records, in the office of the County Recorder of said County, and more particularly described as follows:

Beginning at the Northeast corner of said Lot 1, which said point is in the South line of Ocean Avenue; thence South  $0^{\circ} 23' 20''$  West along the East line of said Lot 1, a distance of 415.82 feet to the intersection of said East line of Lot 1 with the Easterly line of Figueroa Street; thence Northwesterly on a curve having a radius of 2050 feet and being the Easterly line of Figueroa Street, a distance of 101.03 feet; thence North  $15^{\circ} 06' 55''$  West, tangent to said curve, a distance of 199.15 feet; thence continuing along said Easterly line of Figueroa Street on a curve having a radius of 1950 feet, a distance of 129.50 feet to the intersection of the Southerly line of Ocean Avenue with the Easterly line of Figueroa Street, on a curve having a radius of 1950 feet, a distance of 129.50 feet to the intersection of the Southerly line of Ocean Avenue with the Easterly line of Figueroa Street; thence South  $89^{\circ} 42' 25''$  East along the Southerly line of Ocean Avenue, a distance of 108.21 feet to the point of beginning.

8



Except therefrom that portion of said land described as follows:

Beginning at the Northwest corner of Lot 84 of Tract No. 18615, in the County of Los Angeles, State of California, as per map recorded in Book 608 Pages 46 and 47 of Maps records of said County; thence South  $0^{\circ} 27' 29''$  West, 169.92 feet along the Westerly line of Lots 84, 66 and 67 of said Tract No. 18615, said Westerly line being also the Easterly line of said lot 1 of E.N. Mc Donald's Subdivision; thence along a line at right angles thereto North  $89^{\circ} 32' 54''$  West, 61.86 feet to the intersection with the Easterly line of Figueroa Street, as shown on said map of Tract No. 18615; thence along said Easterly line of Figueroa Street, North  $15^{\circ} 04' 05''$  West, 59.38 feet to a tangent curve therein concave Easterly and having a radius of 1950 feet; thence along said curve 84.22 feet to the beginning of a tangent curve concave to the Southeast having a radius of 25 feet and also being tangent to the Westerly prolongation of the Southerly line of Ocean Street (40.5 feet wide) as shown on the map of said Tract No. 18615; thence Northeasterly along said curve 44.92 feet to said last mentioned tangent line; thence along said tangent line South  $89^{\circ} 39' 18''$  East, 74.23 feet to the point of beginning.

Parcel 2:

An easement for sanitary sewer purposes over that portion of said Lot 1 of the E. N. Mc Donald's Subdivision of Lot 8 of the 750 Acre Maria Machado De Rocha Tract, in the Rancho San Pedro, in the City of Carson, County of Los Angeles, State of California, as per map recorded in Book 52 Page(s) 3 of Miscellaneous Records, in the office of the County Recorder of said County, described as follows:

Beginning at the intersection of the Westerly line of Lot 67 of Tract No. 18615, as shown on map recorded in Book 608 Pages 46 and 47 of Maps, in the office of the County Recorder of said County, said Westerly line being also the Easterly line of said Lot 1 of the E. N. Mc Donald's Subdivision, with a line parallel with and distant Southwesterly 6.00 feet, measured at right angles, from the Northeasterly line of said Lot 67; thence along the Easterly line of said Lot 1, South  $0^{\circ} 27' 29''$  West, 14.16 feet to a point distant thereon South  $0^{\circ} 27' 28''$  West 169.62 feet from the Northwest corner of Lot 84 of said Tract No. 18615; thence at right angles to the Easterly line North  $0^{\circ} 27' 29''$  East 17.44 feet to the Northwesterly prolongation of the line described above as being parallel with the Northeasterly line of said Lot 67; thence along said Northwesterly prolongation South  $60^{\circ} 50' 31''$  East, 6.84 feet to the point of beginning.

**CITY OF CARSON**  
**ECONOMIC DEVELOPMENT**  
**PLANNING DIVISION**  
**EXHIBIT "B"**  
**CONDITIONS OF APPROVAL**  
**CONDITIONAL USE PERMIT NO. 798-10**

**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. 798-10, 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 applicant shall comply with all city, county, state and federal regulations applicable to this project.
4. 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.
5. The applicant and property owner shall sign an Affidavit of Acceptance form and submit the document to the Planning Division within 30 days of receipt of the Planning Commission Resolution.
6. It is further made a condition of this approval that if any condition is violated or if any law, statute 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.
7. The owner/applicant shall stripe parking spaces for the appropriate number of parking spaces and bumper stops as required in the Carson Municipal Code.
8. 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 with the CG-D (Commercial, General, Design Overlay) zoning district.

9. 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.
10. In accordance with Ordinance No. 04-1322, the mitigation measures and recommendations identified in the property report shall be hereby incorporated in these conditions of approval. The deficiencies described in the inspection report shall be eliminated or mitigated within 90 days to the satisfaction of the Planning Division. The Planning Division shall inspect the property for compliance with the corrective measures. An extension of time to complete necessary corrective measures may be granted for up to an additional 90 days, subject to the discretion of the Planning Division.
11. All operations such as work or repair on vehicles must be conducted within the building. No work shall be permitted within the parking lot.
12. 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.
13. All repair activities shall be confined to the hours between 7:00 a.m. to 9:00 p.m. daily.
14. 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.
15. 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.
16. Avoid hosing down work areas. If work areas are washed, collect and direct wash water to sanitary sewer. Use dry sweeping if possible.
17. 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.
18. Post signs at sinks to remind employees not to pour wastes down drains.

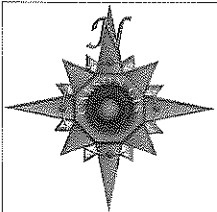
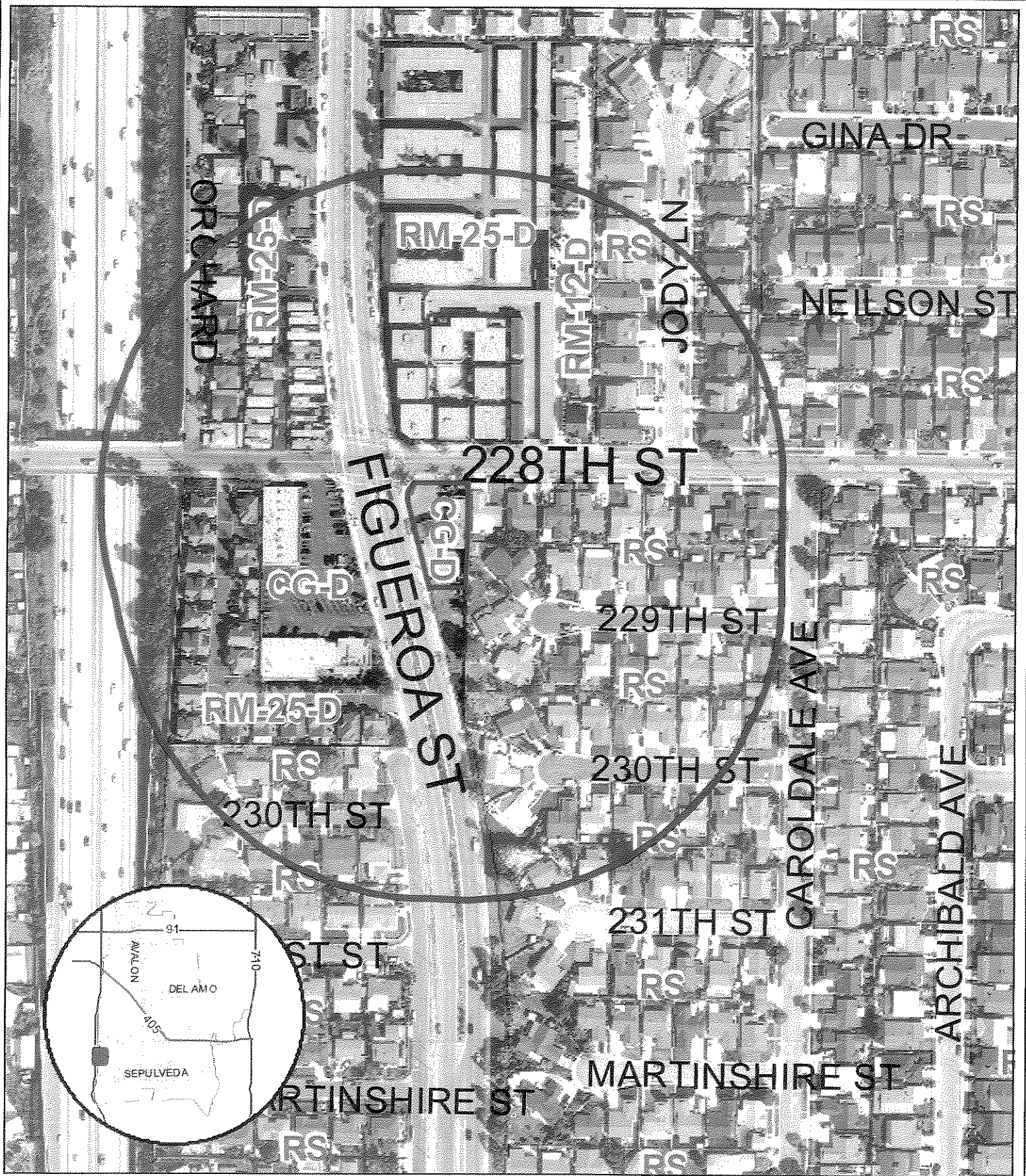


19. Applicant shall defend, indemnify and hold harmless the City of Carson, its agents, officers, or employees from any claims, damages, action, or proceeding against the City or its agents, officers, or employees to attack, set aside, void or annul, and approval of the City, its advisory agencies, appeal boards, or legislative body concerning Conditional Use Permit No. 798-10. 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.

#### BUSINESS LICENSE DEPARTMENT – CITY OF CARSON

20. 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  
22802 Figueroa St

EXHIBIT NO. 2 -





**Best Realty Inspection Services**  
E-mail: [bestrealtyinspector@yahoo.com](mailto:bestrealtyinspector@yahoo.com)  
Cerritos: 562-250-7770 • Valley: 818-523-5356



To: Mr. Kye Ho Lee

May 18, 2010

Re: Inspection report for the property addressed at 22802 Figueroa St., Carson, CA 90745

At the request of you, we have inspected this property on May 18, 2010.  
Following is the list of the observations made during the course of our survey.

1. Foundation is made with concrete slab/ Moderate cracks were observed.
2. Roof surface is covered with rolled composition.
  - a. Standing water was observed on the roof (Refer to picture #3).
  - b. Leaking downspout was observed at the north-west corner of roof (Picture #4).
  - c. Down spot was disconnected (Picture #2).
3. Electric system: Electric panel is installed in the closet located in the storage room. Capacity of this panel is 175 AMP and the utility company is Southern Edison Co. This panel is shared with gas station. The electric system is workable.
4. Plumbing system: We tested visible basic plumbing system including supply line, waste line, bathroom and laundry sink. No issue with plumbing system found.
5. Interior: Water stains and black stains were observed in the north storage room (Picture #5).
6. Exterior is a masonry wall and workable.

If you have any question regarding this simplified report, please call us.

Very truly yours

PETER CHUNG

BEST REALTY INSPECTION SERVICES/ 562-250-7770.

EXHIBIT NO. 3 -

*Buy the Best Inspector for Living in Peace.*

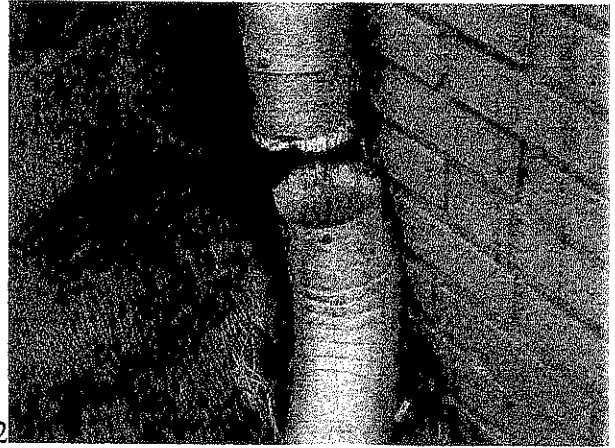






#1

View of the service center



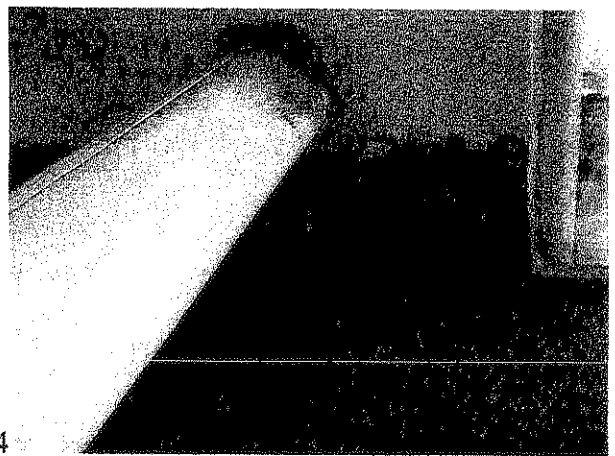
#2

Disconnected downspout



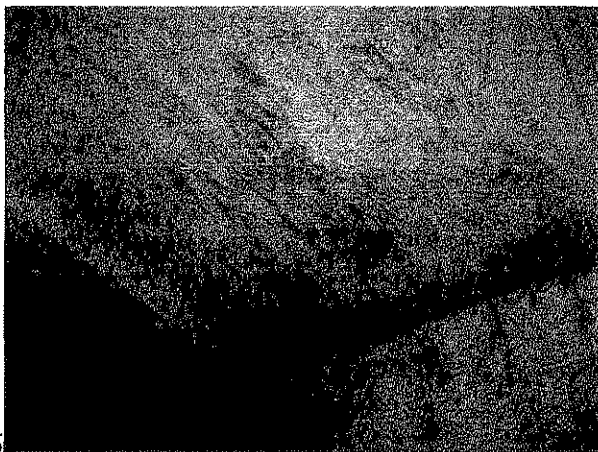
#3

Standing water on the roof



#4

Leaking downspout



#5

Water stains in the wall & ceiling/ Storage room.