



## CITY OF CARSON

### PLANNING COMMISSION STAFF REPORT

PUBLIC HEARING: August 10, 2010

SUBJECT: Conditional Use Permit No. 825-10  
Variance No. 517-10

APPLICANT: Rick's Lube and Tune & Brakes  
Representative: Rick Nickel  
1025 E. Carson Street  
Carson, CA 90745

REQUEST: Conditional use permit approval to authorize an auto repair use on a site located in the CG (Commercial, General) zoning district and within 100 feet of a residential use. The variance request is to permit less than the required setback for property areas fronting a public right-of-way (CMC Section 9162.51B1)

PROPERTY INVOLVED: 1209 E. Carson 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 Park			Saenz
		Brimmer			Schaefer
		Diaz			Verrett
		Gordon			

***Item No. 11-I***

## I. Introduction

*Date Application Received:* May 5, 2010

- Conditional Use Permit No. 825-10; Variance No. 517-10

*Property Owner/Project Applicant*

- Vince Zankich, 3410 Starling Drive, Rancho Palos Verdes, CA 90275

*Project Address*

- 1209 E. Carson Street, Carson, CA 90745

*Project Description*

- Rick's Lube and Tune & Brakes has been operating continuously at 1025 E. Carson Street since 2009. The applicant wishes to lease the existing structure at the subject property which is adjacent to residential uses. Pursuant to Sections 9138.2 and 9182.22 of the Carson Municipal Code (CMC) a conditional use permit is required for any legal nonconforming vehicle service and repair use located within 100 feet of any residential zone. The applicant is also seeking a variance from CMC Section 9162.51(B)(1) for less than the required setback for property areas adjacent to a public right-of-way.

## II. Background

*Previous Uses and Current Use of Property*

- The property was originally developed with a 1,700-square-foot retail petroleum outlet built in 1965, which was abandoned in 1978. The property was then converted to an RV Service Center (dba Sunset Motors) in 1978, pursuant to Conditional Use Permit No. 170-78. Upon purchasing the property in 1983, the current property owner stored and repaired used vehicles there until September, 2007 when Mother Trucker's (formerly American Camper Shell) leased the site. As part of their initial investment plans upon occupying the site, Mother Trucker's removed the original canopy which previously housed the fuel dispensaries, reslurried the property, removed the slats in the chain link fence surrounding the property, completed cosmetic upgrades to the building façade, and performed some interior improvements. However, Mother Trucker's failed to provide the required landscape improvements per applicable municipal codes. Mother Trucker's vacated the property in early 2010 and the property has since remained vacant.

*Previously Approved Discretionary Permits*

- Conditional Use Permit No. 170-78 was approved for an RV-repair use, although there are no records to indicate that a business license was ever obtained for the use. However, there are business license records which show a continuous auto-repair use on the subject property since 1983.



### *Public Safety Issues*

- Records indicate that the property has not been in compliance with an approved development plan since at least 1991, including lack of adequate landscaped setbacks, required parking spaces, and fencing inconsistent with applicable zoning codes.

### *Ordinance No. 04-1322*

On October 5, 2004, City Council passed Ordinance No. 04-1322 which requires a conditional use permit (CUP) for any auto repair use located within 100 feet of a residential zone. The CUP requirement was initiated to ensure compatibility and compliance with applicable municipal codes.

A CUP can only be approved by the Planning Commission if certain findings can be made, including providing adequate onsite parking and meeting applicable development standards contained in Section 9138.2. Furthermore, a report must be prepared by the applicant showing that Building, Plumbing, Electrical, and Fire Code deficiencies are eliminated. 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.

### **III. Analysis**

#### *Location/Site Characteristics/Existing Development*

- The subject property is located at 1209 E. Carson Street.
- The subject site consists of a 1,700-square-foot commercial building constructed in 1965.
- A three-story residential condominium complex is adjacent to the north side of the subject property. A newer three-story condominium development is located on the east side of the subject property. Across Perry Street west of the subject property is a small manufacturing building, with currently vacant commercial buildings (formerly RV sales/service center) across Carson Street, south of the subject property.
- The lot area is approximately 15,000 square feet.
- The existing commercial building is developed with insufficient vehicular parking spaces to meet applicable CMC parking requirements. The building is currently set-up for an auto repair use consisting of three working service bays with auto lifts, a small retail sales area and office.
- There are fifteen vehicular parking spaces provided on the proposed site plan, including one for each employee on the largest shift (9), and two per service bay (6), per Sections 9162.21 and 9138.12 of the CMC.

### *Zoning/General Plan/Redevelopment Area Designation*

- The subject property is zoned CG (Commercial, General). The properties to the north and east are zoned RM-25 and RM-25-D (Residential, Multi-Unit, 25-units per acre – Design Overlay). The property to the west is zoned ML-D (Manufacturing, Light – Design Overlay). Property directly south is zoned CG-D (Commercial, General – Design Overlay). The subject property has a General Plan Land Use designation of General Commercial.

Rick's Lube and Tube & Brakes provides oil change, basic auto repair, and brake repair services 8a-5p, M-F, 8a-4p Sat, and closed Sundays. Although the applicant does not currently offer oil recycling services, he is amenable to doing so upon occupying the subject property. Thus, staff is recommending that the site provide oil recycling service for the public in compliance with the State Conservation Department/Cal-Recycle Program.

The existing building is stuccoed beige with decorative cornices and stone veneer for two-thirds of the service bays frame height. The applicant intends to remove the existing stonework and replace it with new stone veneer which includes a decorative cap at approximately two-and-one-half feet from ground level. The applicant also intends to restucco as needed, repaint the building, provide fifteen parking spaces, build a new trash enclosure, remove the existing sign support structure, and build a new monument sign. Lastly, the applicant proposes a five-foot landscape setback along Carson Street, which is five feet less than required by CMC Section 9162.52(B)(1), hence the variance request.

### *Required Findings: Conditional Use Permit No. 825-10*

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.

Additionally, CMC Section 9133, Conditional Use Criteria, requires that vehicle repair and service comply with the provisions set forth in CMC Section 9138.2. A condition of approval to this effect has been included in Exhibit "B" of the attached Resolution.



*Required Findings: Variance No. 517-10*

The applicant requests a variance from CMC Section 9162.52(B)(1) for less than the required setback for property areas adjacent to a public right-of-way. The applicant claims that compliance with the landscape setback requirement will be detrimental to his business plan to provide fast and efficient oil changes while customers wait (in their vehicles). According to the applicant, a queue lane is required to make such a plan possible and the only place for this lane is parallel to Carson Street, which takes advantage of the easternmost driveway for convenient vehicular access to the planned queue.

The applicant is requesting a zero side-yard setback along Perry Street, and a five-foot front-yard setback along Carson Street. Section 9162.52(B)(1) requires a ten-foot wide landscaped strip running parallel to and along the public street or walkway when a parking facility is located adjacent to a public street or walkway.

Pursuant to Section 9172.22 of the CMC, Variance, the Planning Commission may approve a variance request only when the following findings can be made in the affirmative:

Because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the Chapter deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.

Staff finds that there are no special circumstances related to the subject property. It is a commercially-zoned corner lot, which has more than adequate street frontage for visibility, two-and-one-half times the minimum lot width and three times the minimum lot size for the CG zone. Staff also finds that there is sufficient space to provide for the minimum front and side yard landscape setback, as well as the planned queue lane and other exterior lot improvements. Therefore, staff recommends denial of the variance request.

*Issues of Concern:*

- Issue – Aesthetic Improvements: Pursuant to Ordinance No. 04-1322 and CMC Section No. 9138.2(B), Vehicle Service and Repair, the applicant shall provide plans that enhance the architectural character of the existing structure which illustrates compatibility with the surrounding properties.
  - *Mitigation:* The applicant shall install a drip automatic irrigation system with the planter strip fronting Carson Street and Perry Street and plant evergreen ground cover and box-tree specimens within said landscape strip, subject to Planning Division review and approval of a landscape plan.
  - *Mitigation:* The property owner/applicant shall provide a property inspection report that identifies any plumbing, electrical and building fire code deficiencies that may exist and a plan to mitigate any deficiencies found in such report, in compliance with State Uniform Building and Fire Codes.



#### IV. Environmental Review

Pursuant to Section 15301(e), Existing Facilities, of the California Environmental Quality Act (CEQA), the proposed auto repair use does not have the potential to cause a significant effect on the environment and is found to be exempt.

#### V. Recommendation

That the Planning Commission:

- **APPROVE** Conditional Use Permit No. 792-10, subject to the conditions of approval contained in "Exhibit B" of the attached Resolution;
- **DENY** Variance No. 517-10; 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. 825-10 FOR A PROPOSED AUTO REPAIR USE LOCATED AT 1209 E. CARSON STREET AND DENYING VARIANCE NO. 517-10, A REQUEST TO DEVIATE FROM CARSON MUNICIPAL CODE SECTION NO. 9162.52."

#### VI. Exhibits

1. Draft Resolution
2. Land Use Map
3. Development Plans


Prepared by:

  
Steven Newberg, AICP, Associate Planner

Reviewed by:

  
John F. Signo, AICP, Senior Planner

Approved by:

  
Sheri Repp-Loadsman, Planning Officer

SN: c82510\_v51710p\_081010



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

**A RESOLUTION OF THE PLANNING COMMISSION OF THE  
CITY OF CARSON APPROVING CONDITIONAL USE PERMIT  
NO. 825-10 FOR A PROPOSED AUTO REPAIR USE LOCATED  
AT 1209 E. CARSON STREET AND DENYING VARIANCE NO.  
517-10, A REQUEST TO DEVIATE FROM CARSON MUNICIPAL  
CODE SECTION NO. 9162.52**

**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, Rick Nickel, with respect to real property located at 1209 E. Carson Street, and described in Exhibit "A" attached hereto, requesting the approval of a Conditional Use Permit No. 825-10 to authorize a proposed auto repair use in CG (Commercial, General) zoning district, and Variance No. 517-10 to permit a deviation from Carson Municipal Code (CMC) Section No. 9162.52 to allow for less than the required setbacks for property fronting a public right-of-way. Pursuant to Sections 9138.2 and 9182.22 of the CMC, a conditional use permit is required for any vehicle service and repair use located within 100 feet of a residential zone district.

A public hearing was duly held on August 10, 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.

**Section 2.** Evidence, both written and oral, was duly presented to and considered by the Planning Commission at the aforesaid meeting.

**Section 3.** The Planning Commission finds that:

- a) The General Plan designates the property as General Commercial which is compatible with the proposed use. The auto repair use will be consistent with the surrounding uses and is appropriate for the subject property.
- b) The project is compatible in design with existing and anticipated development in the vicinity, including the aspects of site planning, land coverage, landscaping, appearance and scale of structures, open spaces, and other features relative to a harmonious and attractive development of the area.
- c) The site is adequate in size, shape, topography, location, utilities, and other factors to accommodate the proposed auto repair use. The surrounding land uses are primarily general commercial and high-density residential uses with which the proposed project is compatible. The site is 0.34 acres, relatively flat, and is located in a commercial zone.
- d) The circulation and street parking on the adjacent public streets will not be adversely impacted since there is adequate vehicular circulation and parking spaces provided for the proposed auto repair use. Safety and convenience of vehicular and pedestrian access is provided.



- e) Existing wall signs will be removed and replaced with box-letter, internally illuminated signs depicting the name of the proprietor. The existing, non-conforming, defunct pole sign will be removed. A new monument sign is proposed for the southwest corner of the property.
- f) The proposed auto repair use meets the goals and objectives of the General Plan and is consistent with applicable zoning and design regulations. Therefore all of the required findings pursuant to Section 9172.21(D), Findings and Decision, can be made in the affirmative.
- g) There are no special circumstances which pertain specifically to the subject property including size, shape, topography, location or surroundings, for which the strict application of the zoning code would work to deprive such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.
- h) The proposed auto repair use requires a total of fifteen vehicular parking stalls, pursuant to Sections 9162.21 and 9138.12, as there are nine employees on the largest shift, three service bays, and a lack of company vehicles. The applicant is providing fifteen vehicular parking spaces total, including one disabled parking space.
- h) The subject site is 15,000 square feet in area. The minimum lot size for the Commercial General zone is 5,000 square feet. The subject property is three times the minimum lot size. There is adequate space on the property to provide code-compliant landscape setbacks, pursuant to Section 9162.52(B)(1).
- i) The subject site is a corner lot in a commercial zone with adequate visibility to passing motorists and potential customers. The subject property provides approximately 210 linear feet of street frontage along Carson Street and Perry Street combined. The minimum amount of street frontage required for CG-zoned lots is 50 feet. The subject site provides four times the minimum lot width required by Section 9135.4. There is a driveway along the eastern side of the property which provides convenient access for customers and facilitates proper queueing for service bay access.
- j) Installation of landscaping along the streets would not be detrimental to the proposed use and would allow for adequate parking and circulation on the property. Furthermore, approval of the variance request would be a special privilege not enjoyed by other properties in the area and under the same zoning designation.

**Section 4.** 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 general commercial 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 5.** Based on the aforementioned findings, the Commission hereby grants Conditional Use Permit No. 825-10 with respect to the property described in Section 1 hereof,





subject to the conditions set forth in Exhibit "B" attached hereto, denies Variance No. 517-10.

**Section 6.** The Secretary shall certify to the adoption of the Resolution and shall transmit copies of the same to the applicant.

**Section 7.** This action shall become final and effective fifteen days after the adoption of this Resolution unless within such time an appeal is filed with the City Clerk in accordance with the provisions of the Carson Zoning Ordinance.

**PASSED, APPROVED AND ADOPTED THIS 10<sup>th</sup> DAY OF AUGUST, 2010**

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

**ATTEST:**

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



CITY OF CARSON  
DEVELOPMENT SERVICES  
PLANNING DIVISION  
EXHIBIT "A"

LEGAL DESCRIPTION

CONDITIONAL USE PERMIT NO. 825-10; VARIANCE NO. 517-10

Property Address: 1209 E. Carson Street

Parcel Identification Number: 7327-005-015

That Portion of Lot 33 of Tract No 4045, in the City of Carson, County of Los Angeles, State of California as per Map recorded in Book 44, Pages 39-41 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. 825-10**

**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. 825-10, 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 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 shall provide a building inspection 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 1209 E. Carson Street. All recommendations identified in the report shall be completed within 90 days of approval of this Conditional Use Permit. The applicant shall notify the Planning Division once the improvements are complete for compliance with this condition.
10. The owner/applicant shall repair cracked concrete parking areas 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.
12. 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 and in compliance with the State Department of Conservation/Cal-Recycle program. The Planning Division shall approve the location and signage for company "used oil recycling" services.
13. The applicant/owner shall submit a landscape and irrigation plan prior to the issuance of a building permit (or within 90 days of CUP approval if no building permit is needed) identifying the planting of box-specimen trees and evergreen ground-cover along the code-compliant 10-foot wide landscaped frontage along Carson Street and Perry Street, subject to Planning Division review and approval. The new trees and shrubs shall be maintained by an automatic drip irrigation system. Failure to maintain landscaping will result in Code Enforcement action against the property owner.
14. 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. 825-10 and Variance No. 517-10. 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 or 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.

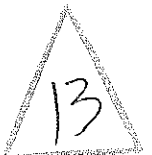
#### ENGINEERING SERVICES DEPARTMENT - CITY OF CARSON

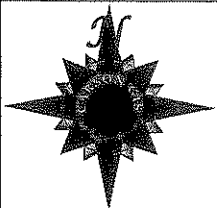
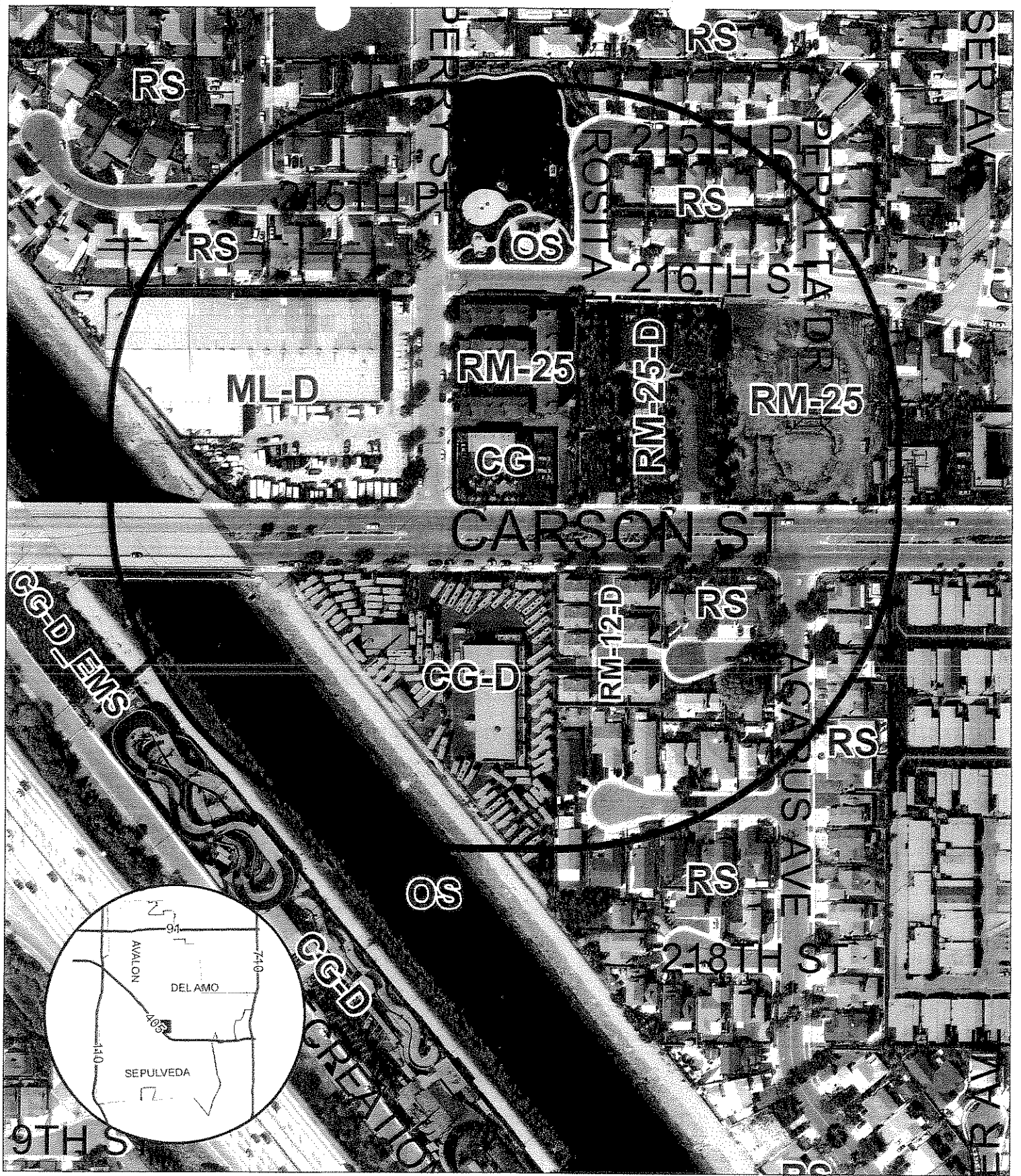
15. Prior to issuance of a Building Permit, Proof of Worker's Compensation and Liability Insurance must be on file with the Los Angeles County Building and Safety Department.



BUSINESS LICENSE DEPARTMENT – CITY OF CARSON

16. 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  
1209 E Carson St

EXHIBIT No. 2