



CITY OF CARSON

PLANNING COMMISSION STAFF REPORT

PUBLIC HEARING: September 14, 2010
SUBJECT: Conditional Use Permit No. 774-09
APPLICANT: Walker's Engine and Frameworks
Representative: Pat Brown
5390 E. 8th Street
Long Beach, CA 90804
REQUEST: Conditional Use Permit approval to facilitate continued auto repair use for a business on a site located in the ML-D (Manufacturing, Light -Design Overlay) zoning district
PROPERTY INVOLVED: 20836 S. Main Street

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. 11D

I. Introduction

Date Application Received: November 18, 2009

- CUP No. 774-09: Walker's Engine and Frameworks

Property Owner/Project Applicant

- Edward H. Walker, 20836 S. Main Street, Carson, CA 90745

Project Applicant

- Walker's Engine and Frameworks: Edward Walker, 20836 S. Main Street, Carson, CA 90745

Project Address

- 20836 S. Main Street, Carson, CA 90745

Project Description

- Proposed conditional use permit to allow continuation of existing motorcycle (automotive) repair use. Pursuant to Sections 9138.2 and 9182.22 of the Carson Municipal Code (CMC), which were adopted and amended in 2004, respectively, a conditional use permit is required by November 4, 2009 for any legal nonconforming vehicle service and repair use located within 100 feet of any residential zone. Conditional Use Permit NO. 774-09 would fulfill that requirement making the use conforming to the CMC.

II. Background

Current Use of Property

- The property is developed with one, single-story building consisting of approximately 2,880 square feet built in 1973.

Public Safety Issues

- After consulting with the Public Safety Department it was determined that there is no zoning code enforcement case associated with this property.

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. 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

An existing, non-conforming residential use is located north of the subject property, with an auto repair use to the south and single-family residential uses to the east. To the west, across Main Street is the Super K-Mart shopping center. The lot area is approximately 5,833 square feet (0.13 acre). The existing building is developed with three parking spaces and a trash enclosure on the northwest corner of the property.

Zoning/General Plan/Redevelopment Area Designation

- The subject property is zoned ML-D (Manufacturing, Light - Design Overlay Review). The properties to the north and east are zoned the same. The property to the east is zoned RS (Residential, Single-Family). Property to the west is governed by Specific Plan No. 3.
- The subject property has a General Plan Land Use designation of Light Industrial.

Motorcycle repair services and parts sales are provided Monday through Saturday, 8:00 a.m. to 5:00 p.m. Staff is recommending that the site provide oil recycling service for the public in compliance with the State Conservation Department/Cal-Recycle Program.

The parking areas will be re-slurried and parking spaces will be re-striped. Additionally, all broken driveway approaches shall be replaced with new driveway approaches in compliance with Public Works Division standards. Staff recommends new landscaping strip five-feet in width, in the front yard setback along the southwest corner of the property. The applicant is proposing wrought-iron fencing along the entrance of the property, including a sliding portion to cover the driveway approach. Staff recommends that additional wrought-iron be placed along the south property line which separates the subject property's parking area from the parking lot on the property adjacent to the south.

As required by Ordinance No. 04-1322, the applicant has to provide a building inspection report by a certified inspector. The inspection report identifies potential building, plumbing and electrical deficiencies and recommends repairs in conformance to the State Uniform Building Code. A condition of approval has been included requiring the applicant to address which recommendations are noted in the required report and to make repairs accordingly.

Applicable Zoning Ordinance Regulations

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



Required Findings: Conditional Use Permit

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

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

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

Issues of Concern:

- Issue – 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. Conditions of approval have been added to Exhibit "B" of the attached Resolution which address and require the following mitigation measures:
 - *Mitigation:* The applicant shall install a drip automatic irrigation system with the planting of new landscaping in the southwest corner of the property.
 - *Mitigation:* The property owner/applicant provided a property inspection report that identifies any plumbing, electrical and building fire code deficiencies that may exist and the proposed plans/requirements to correct any existing or potential deficiencies in compliance with State Uniform Building and Fire Codes.
 - *Mitigation:* The applicant will be required to repaint and or re-stucco the existing building, where deemed to be required. The parking area will be re-slurried, the parking spaces will be re-stripped, and the trash enclosure areas will be repaired to comply with the CMC requirements, if needed. Further, all broken driveway approaches will be replaced per CMC requirements and specifications.



IV. Environmental Review

Pursuant to Section 15301(e), Existing Facilities, of the California Environmental Quality Act (CEQA), the continued 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:

- **WAIVE** further reading;
- **ADOPT** Resolution No. _____, entitled "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON APPROVING CONDITIONAL USE PERMIT NO. 774-09 FOR A CONTINUED AUTO REPAIR USE LOCATED AT 20836 S. MAIN STREET."

VI. Exhibits

1. Land Use Map
2. Draft Resolution for Conditional Use Permit No. 774-09
3. Development Plans


Prepared by:


Steven C. Newberg, AICP, Associate Planner

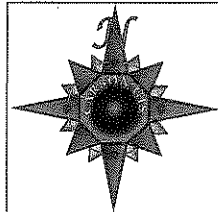
Reviewed by:


John F. Signo, AICP, Senior Planner

Approved by:


Sheri Repp Loadsman, Planning Officer





City of Carson
 500 Foot Radius Map
 20836 Main St

EXHIBIT NO. 1

CITY OF CARSON
PLANNING COMMISSION
RESOLUTION NO. 10-

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF CARSON APPROVING CONDITIONAL USE PERMIT
NO. 774-09 FOR A CONTINUED AUTO REPAIR USE LOCATED
AT 20836 MAIN STREET**

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

Section 1. An application was duly filed by the applicant, Walker's Engine and Frameworks, with respect to real property located at 20836 S. Main Street, and described in Exhibit "A" attached hereto, requesting the approval of a Conditional Use Permit No. 774-09 to authorize a proposed auto repair use in ML-D (Manufacturing, Light – Design Overlay) zoning district. 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 September 14, 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 Light Industrial which is compatible with the proposed use.
- 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 0.13 acre, relatively flat, and is located in an industrial 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) 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.



Section 4. The Planning Commission further finds that the proposed use will not have a significant effect on the environment. The proposed use 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. 774-09 with respect to the property described in Section 1 hereof, subject to the conditions set forth in Exhibit "B" attached hereto.

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 14th DAY OF SEPTEMBER, 2010

CHAIRMAN

ATTEST:

SECRETARY



CITY OF CARSON
DEVELOPMENT SERVICES
PLANNING DIVISION
EXHIBIT "A"
LEGAL DESCRIPTION
CONDITIONAL USE PERMIT NO. 774-09

Property Address: 20836 S. Main Street

Parcel Identification Number: 7336-016-039

The westerly 125 feet of Lot 19 in Tract number 5927, as per map recorded in Book 64, Page 58 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. 774-09

GENERAL CONDITIONS

1. If a business license permit for said use is not issued within one year of the date of approval of Conditional Use Permit No. 744-09, said permit shall be declared null and void unless an extension of time is requested prior to expiration and approved by the Planning Commission.
2. Upon activation, the Conditional Use Permit shall become automatically null and void if said use has been suspended or has ceased to exist for a period of one year, unless an extension of time is requested prior to expiration and approved by the Planning Commission.
3. The approved Resolution, including the Conditions of Approval contained herein, and signed Affidavit of Acceptance, shall be copied in their entirety and placed directly onto a separate plan sheet behind the cover sheet of the development plans prior to Building and Safety plan check submittal. Said copies shall be included in all development plan submittals, including any revisions and the final working drawings.
4. The applicant shall comply with all city, county, state and federal regulations applicable to this project.
5. The applicant shall make any necessary site plan and design revisions to the site plan and elevations approved by the Planning Commission in order to comply with all the conditions of approval and applicable Zoning Ordinance provisions. Substantial revisions will require review and approval by the Planning Commission. Any minor revisions shall be reviewed and approved by the Planning Division prior to Building and Safety plan check submittal.
6. The applicant and property owner shall sign an Affidavit of Acceptance form and submit the document to the Planning Division within 30 days of receipt of the Planning Commission Resolution.
7. It is further made a condition of this approval that if any condition is violated or if any law, statute ordinance is violated, this permit may be revoked by the Planning Commission or City Council, as may be applicable; provided the applicant has been given written notice to cease such violation and has failed to do so for a period of thirty days.
8. The applicant shall submit two complete sets of plans that conform to all the Conditions of Approval to be reviewed and approved by the Planning Division prior to the issuance of a building permit.



9. In accordance with Ordinance No. 04-1322, the owner/applicant 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 20836 S. Main 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. Wrought-iron fencing shall be placed along the west and south property lines, subject to planning division review and approval prior to the issuance of a building permit (or within 90 days of CUP approval if no building permit is needed).
12. 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.
13. 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.
14. 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 ground-cover along a five-foot wide landscaped frontage along the southwest corner of the property fronting Main Street, subject to Planning Division review and approval. The new groundcover 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.
15. 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. 774-09. 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 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

16. 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

17. 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.

