



CITY OF CARSON

PLANNING COMMISSION STAFF REPORT

CONTINUED PUBLIC HEARING: October 12, 2010
SUBJECT: Conditional Use Permit No. 826-10
APPLICANT: Luis E. Audelo
1215 W. Washington Boulevard
Montebello, CA 90640
REQUEST: To approve a Conditional Use Permit for convenience goods sales at a retail petroleum outlet located within 300 feet of a middle school.
PROPERTY INVOLVED: 1025 E. Carson Street

COMMISSION ACTION

_____ Concurred with staff
_____ Did not concur with staff
_____ Other

COMMISSIONERS' VOTE

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

I. Introduction

On May 10, 2010, an application was submitted for a proposal to convert existing service bays to a convenience store /mini mart and upgrade an existing service station. The subject property, Union 76 gasoline service station, is zoned CR-D (Commercial, Regional-Design Overlay District) and is located within Redevelopment Project Area No. 1.

The development plans include a conversion and remodel of existing automobile service bays. A proposed interior wall will be constructed to divide the bays into a 413-square-foot storage area and a 752-square-foot convenience store area. A cashier area is located next to a new storefront door. Bathrooms will be provided for both men and women. The exterior will be improved with existing roll-up doors being removed and framed in. The existing stone walls will be repainted on all elevations, and a new storefront door will be provided. An existing 16-foot high canopy will provide cover for the fueling stations located at the south side of the property parallel to Carson Street. A total of 8 gasoline fuel pumps will be provided. An existing trash and recycling area enclosure is located in the rear. A total of 10 parking spaces are provided, including one space designated as parking for the disabled. A 54-foot high freeway-oriented pole sign is located on the northern edge of the property, approximately 200 feet north of Carson Street. Also, a 15-foot high Union 76 pylon sign with gas pricing is located on the southwestern corner of the subject site. The retail petroleum outlet operates 24 hour a day, seven days a week. The proposed convenience store will operate from 6 a.m. to 7 p.m.

II. Background

The subject property is located northwest of the intersection of Carson Street and the San Diego Freeway. The property size is 17,118 square feet (0.4 acre), zoned CR-D (Commercial, Regional-Design Overlay), and located within Redevelopment Project Area No. 1. Currently, there is one canopy structure and a 1,540-square-foot automobile service station building, which was constructed in 1968. Variance No.479-06 was approved on March 27, 2007, for a nonconforming 54-foot high freeway-oriented pylon sign that exceeded the permitted sign area.

The subject site is located adjacent to an Edison right-of-way easement located to the west, a light industrial building to the south, the San Diego (405) Freeway to the east and a Caltrans easement to the north. Carnegie Middle School is located less than 300 feet to the southwest. The zoning designations are consistent with the General Plan Land Use designations.

On July 19, 1984, Ordinance No. 84-679 was approved amending Section 9138.12, Automobile Service Station, of the Carson Municipal Code (CMC) prohibiting the sale of convenience goods at an automobile service station within 300 feet of a school, except for automobile service stations which existed prior to August 15, 1984. Pursuant to Section 9182.22(A), the pre-existing sale of convenience goods at automobile service stations within 300 feet of a school was permitted until August 15, 2004, or 20 years after Ordinance No. 84-679. Subsequently, any sale of

convenience goods at an automobile service station within 300 feet of a school was required to cease.

On March 4, 2008, Ordinance No. 08-1400 was approved amending Section 9138.12 of the CMC to allow for the sale of convenience goods at an automobile service station within 300 feet of a school, as measured from lot line to lot line, with an approved CUP. At the time, there were no authorized businesses selling convenience goods within 300 feet of a school, but several businesses, including the applicant, were known to operate without a business license. For this reason, it made sense to pass the ordinance amendment to give those businesses an opportunity to become legal. The approved ordinance amendment required a conditional use permit, pursuant to Section 9172.21 of the CMC, for any sale of convenience goods at an automobile service station within 300 feet of a school.

III. Analysis and Findings

The applicant wishes to conduct the sale of convenience goods as a major component of the retail petroleum outlet. As discussed above, a major remodel to the interior of the building is proposed, which includes expanding the convenience goods section and eliminating the auto repair bays.

Conditional Use Permit No. 826-10: Sale of Convenience Goods at a Retail Petroleum Outlet Located Within 300 Feet of a School

Findings: Conditional Use Permit

Pursuant to CMC Section 9172.21, Conditional Use Permit, the Planning Commission is authorized to permit the sale of convenience goods at a retail petroleum outlet located within 300 feet of any school, as measured from lot line to lot line, if the following findings can be made in the affirmative:

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

The subject property is zoned CR-D and has a General Plan Land Use designation of Regional, Commercial, which is consistent with the zoning designation. The proposed use is permitted with approval of a conditional use permit.

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

The subject property is 15,085 square feet in area (0.4 acre), which is adequate for an automobile service station. The subject site is triangularly shaped, flat, and located within a built and urbanized environment with adequate utilities to accommodate the proposed use and development.

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

The subject property is located on a major street next to a freeway that provides sufficient capacity for the volume of traffic traveling in all directions. Adequate ingress and egress is provided by virtue of two driveways, located along Carson Street.

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

Adequate water supply is available.

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

The proposed use is consistent with the intended character of the area, in terms of being complementary to the area by providing for community needs. Furthermore, the subject property is located along a major highway and adjacent to the 405 Freeway, and will provide a benefit to vehicles and pedestrians.

- f). *Such other criteria as are specified for the particular use in other sections of this chapter (the zoning code).*

The proposed sale of convenience goods within 300 feet of Carnegie Middle School is appropriate for the subject site. The use will provide a convenience for passing vehicles and pedestrians in a safe and effective manner. To mitigate potential negative influences of certain convenience goods on schoolchildren (minors) in the vicinity, staff has included conditions of approval, within Exhibit B of the attached resolution, that prohibit the placement of signs advertising cigarettes on the exterior of the building or any place outside of the building on the subject site. Additionally, informative literature pertaining to the health risks and negative effects of smoking are required to be placed in a conspicuous area within the convenience store. Staff suggests that the Planning Commission consider placing restrictions on the hours of operation of the convenience store, or other control mechanism that would limit the number of schoolchildren allowed in the store at any given time, or at certain times altogether (i.e., 30 minutes before and/or after school, etc.).

Staff is aware of the interest of certain retail petroleum outlets to expand business opportunities by including convenience goods sales. Staff recognizes that convenience goods sales may contribute to potential loitering and delinquency when located in close proximity to schools, as evidenced from other similar uses located near schools (i.e., retail fast-food establishments). Furthermore, safety issues related to pedestrian circulation in and around retail petroleum outlets may pose threats to minors who may frequent these establishments. However, it is staff opinion that the CUP process is an effective control mechanism to regulate the types of goods sold, hours of operation, location of sales, advertising/signs, safety issues, and other aspects of the use that may pose significant threats to the health, safety, and welfare of a community, particularly to minors in the vicinity.

Issues of Concern

Adequate Site Improvements: Staff has worked with the applicant to revise the site plan so that additional landscaping, adequate parking, and an enclosed trash enclosure are provided. It is staff's opinion that the improvements enhance the site. Additionally, the applicant is proposing an awning for the front of the building and a raised planter along the western portion of the building where the loading bays are currently located. Staff recommends that the planter be extended so that it aligns with the rear building wall. Although a proposed doorway would prohibit the planter from being continuous, the additional landscaping would help soften the western elevation



which is visible from the adjacent Doubletree Hotel and the office building at One Civic Plaza.

Condition: The raised planter along the building's western wall shall be extended to the rear building wall and shall be continuous, with the exception of the door and walkway. The plans shall be revised to meet this condition and shall be reviewed and approved by the Planning Division prior to submittal to Building and Safety plan check.

IV. Environmental Review

Pursuant to Section 15301(a) of the California Environmental Quality Act (CEQA) Guidelines, the proposed interior remodel for the sale of convenience goods at an existing retail petroleum outlet is "Categorically Exempt."

V. Conclusion

This project will provide amenities to the community and will not cause undue health effects to minors due to the sale of convenience goods. Adequate conditions have been included in the proposed resolution for the protection of the public health, safety, and welfare.

VI. Recommendation

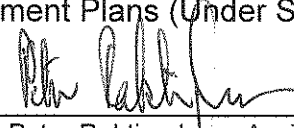
That the Planning Commission:

- **APPROVE** Conditional Use Permit No. 826-10 subject to the conditions of approval attached as Exhibit "B" to the Resolution; 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. 826-10 to allow for the sale of convenience goods at a retail petroleum outlet within 300 feet of a middle school, for the property located at 1025 East Carson Street."

VII. Exhibits

1. Draft Resolution
2. Land-Use Map
3. Development Plans (Under Separate Cover)

Prepared by:


Peter Raktiprakorn, Assistant Planner

Reviewed by:


John F. Signo, AICP, Senior Planner

Approved by:


Sheri Repp, Planning Manager

Planning Commission Staff Report – October 12, 2010
CUP No. 826-10



CITY OF CARSON
PLANNING COMMISSION
RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON APPROVING CONDITIONAL USE PERMIT NO. 826-10 TO ALLOW FOR THE SALE OF CONVENIENCE GOODS AT A RETAIL PETROLEUM OUTLET WITHIN 300 FEET OF A MIDDLE SCHOOL, FOR THE PROPERTY LOCATED AT 1025 EAST CARSON 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, Luis E. Audelo, on behalf of the 76 gas station, with respect to real property located at 1025 East Carson Street, and described in Exhibit "A" attached hereto, requesting the approval to sell convenience goods at a retail petroleum outlet in the CR-D (Commercial, Regional – Design Overlay) zoning district.

A public hearing was duly held on October 12, 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 subject property is zoned CR-D and has a General Plan Land Use designation of RC (Regional, Commercial), which is consistent with the zoning designation. The proposed use is permitted within the zone with approval of a conditional use permit. Surrounding uses include an industrial building and a middle school to the south, a hotel, office building, restaurant, civic uses, and an Edison easement area to the west, and the 405 Freeway to the north and east. The proposed use is compatible with the General Plan and surrounding uses. There are no specific plans for the area.
- b) The proposed project is for a major remodel to the interior of a building to eliminate the service bays and provide for a convenience store. There will be no expansion to the size of the building. Additional site improvements, including the construction of an enclosed trash enclosure, additional landscaping, and restriping of the parking lot is proposed. Open space accounts for over 70 percent of the total property. The proposed project will be complementary and consistent with the intended character of the area in terms of providing for community needs, and will contribute to a harmonious and attractive development of the area.
- c) The subject property is located adjacent to an Edison easement to the west. To the northeast is the San Diego (405) Freeway and to the south is Carson Street. Adequate ingress and egress is accommodated on the site by virtue of two driveways located along Carson Street. Pedestrians accessing the convenience



store from the public right-of-way would have a safe path of travel across the parking area.

- d) Existing signs have been maintained in good condition pursuant to an approved sign program. Additional signage will be compatible with existing signage. The signs feature the corporate icons for the branded gasoline to be sold onsite. The building will be improved by adding an awning and providing a raised planter along the western wall. The existing stone veneer along the front will be repainted.
- f) The subject property is 15,085 square feet (0.4 acre) and can adequately support the proposed use. The subject site is triangular, flat, and located within a built and urbanized environment with adequate utilities to accommodate the proposed use.
- g) There is adequate water supply for fire protection.
- h) The proposed sale of convenience goods will be compatible with Andrew Carnegie Middle School, which is located less than 300 feet to the southwest. The proposed use provides a convenience for passing vehicles and pedestrians in a safe and effective manner.
- i) Conditions of approval have been included to address the potential negative influences of certain convenience goods on schoolchildren (minors) in the vicinity. Additionally, informative literature pertaining to the health risks and negative effects of smoking are required to be placed in a conspicuous area within the convenience store.

Section 4. The Planning Commission further finds that the use permitted by the proposed permits will not have a significant effect on the environment. The proposed use does not significantly alter the existing urbanized character of the surrounding area and meets or exceeds all City standards for protection of the environment. Therefore the proposed project is found to be categorically exempt under the California Environmental Quality Act (CEQA) Guidelines, Section 15301(A).

Section 5. Based on the aforementioned findings, the Commission hereby approves Conditional Use Permit No. 826-10 to allow the sale of convenience goods at a retail petroleum outlet located within 300 feet of a school, with respect to the property described in Section 1 hereof, subject to the conditions set forth in Exhibit "B" attached hereto, and approves the categorical exemption.

Section 6. The Secretary shall certify the adoption of this 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 12th DAY OF OCTOBER, 2010.

CHAIRMAN

ATTEST:

SECRETARY



EXHIBIT "A"

LEGAL DESCRIPTION

PARCEL 8 OF PARCEL MAP NO. 17623 IN THE CITY OF CARSON, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS SHOWN ON MAP FILED IN BOOK 196, OAGES 40 AND 41, OF PARCEL MAPS, AND A PORTION OF LOT 5 OF TRACT NO. 4054, AS SHOWN ON MAP FILED IN BOOK 44, PAGES 39 TO 41, INCLUSIVE, OF MAPS, BOTH MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.



CITY OF CARSON
DEVELOPMENT SERVICES
PLANNING DIVISION
EXHIBIT "B"
CONDITIONS OF APPROVAL
CONDITIONAL USE PERMIT NO. 826-10

GENERAL CONDITIONS

1. If Conditional Use Permit No. 826-10 is not used within one year of its effective dates said permit (s) shall be declared null and void unless an extension of time is previously approved by the Planning Commission.
2. 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 approved 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.
3. The applicant shall make any necessary site plan and design revisions to the site plan and elevations approved by the Planning Commission and on file with the City Planning Division, 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.
4. The applicant shall submit two complete sets of plans that conform to all the Conditions of Approval, and which are consistent with the development plans included as Exhibit(s) to the staff report presented at the hearing in which the project was approved, including modifications to the plans and/or conditions of approval made by the Planning Commission during said hearing. Such approved development plans are subject to review and approval by the Planning Division prior to the issuance of a building permit.
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 or 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. Decision of the Planning Commission shall become effective and final 15 days after the date of its action unless an appeal is filed in accordance with Section 9173.4 of the Zoning Ordinance.
8. A modification of the conditions of this permit, including additions or deletions, may be considered upon filing of an application by the owner of the subject property or his/her authorized representative in accordance with Section 9173.1 of the Zoning Ordinance.
9. 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. 826-10. 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.

PARKING

10. All parking areas and driveways shall remain clear. No encroachment into parking areas and/or driveways shall be permitted.
11. Parking spaces shall be identified (marked) as provided in Section 9162.56 of the Zoning Ordinance.
12. Parking spaces shall be provided with perimeter guards as provided in Section 9162.55 of the Zoning Ordinance.
13. Compact spaces shall be properly designated pursuant to Section 9162.43 of the Zoning Ordinance.
14. Parking for handicapped shall comply with the requirements of Section 9162.42 of the Zoning Ordinance.

LANDSCAPING/IRRIGATION

15. The applicant shall submit two sets of landscaping and irrigation plans drawn, stamped, and signed by a licensed landscape architect. Such plans are to be approved by the Planning Division prior to the issuance of any building permit.
16. Such landscaping and irrigation plans shall be stamped and signed by a licensed landscape architect and are to include, but are not limited to:
 - a. Vine-like landscaping along perimeter walls;



- b. Annual flowers wherever possible; and
- c. Irrigation system designed to commercial grade standards.

Furthermore, these plans are subject to Planning Division review and approval before landscape/irrigation installation, which is to be completed prior to the issuance of final occupancy.

- 17. The applicant shall comply with the provisions of Section 9168 of the Zoning Ordinance, "Water Efficient Landscaping."
- 18. The applicant shall install 6" x 6" concrete curbs around all landscaped planter areas, except for areas determined by a SUSMP/NPDES permit, or other applicable condition of approval that requires certain landscaped areas to remain clear of concrete curbs for more efficient stormwater runoff flow and percolation. Revised landscaping and irrigation plans shall be reviewed and approved by the Planning Division should subsequent modifications be required by other concerned agencies regarding the removal of concrete curbs.
- 19. Landscaping shall be provided with a permanently installed, automatic irrigation system and operated by an electrically-timed controller station set for early morning or late evening irrigation.
- 20. The raised planter along the building's western wall shall be extended to the rear building wall and shall be continuous, with the exception of the door and walkway. The plans shall be revised to meet this condition and shall be reviewed and approved by the Planning Division prior to submittal to Building and Safety plan check.

UTILITIES

- 21. All utilities and aboveground equipment shall be constructed and located pursuant to Section 9146.8 of the Zoning Ordinance, unless otherwise provided for in these conditions.
- 22. All roof mounted equipment shall be screened from public view or incorporated into the design of the structure or building.
- 23. All utility meters will be painted the same color as the structures to reduce visibility (the Gas Company will not allow meters to be placed in boxes).

PLANNING (HOURS OF OPERATION)

- 24. The convenience store shall be open between the hours of 6 a.m. and 10 p.m. daily.
- 25. In the event the convenience store encourages excessive loitering or promotes inappropriate activities from students which lead to public complaints and/or the involvement of the Sheriff's Department, the conditions herein shall be reviewed by the Planning Commission and shall be revised or added to accordingly.



AESTHETICS

26. The specification of all colors and materials must be submitted and approved by the Planning Division prior to the issuance of any building permits.
27. Graffiti shall be removed from all project areas within 3 days of written notification by the City of Carson. Should the graffiti problem persist more than twice in any calendar year, the matter may be brought before the Planning Commission for review and further consideration of site modifications (i.e., fencing, landscaping, chemical treatment, etc.).

SIGNS

28. Business signs and sign structures shall be permitted in conformance with development plans which have been approved pursuant to the Site Plan and Design Review procedures (including the number of signs and sign structures to be permitted) as provided in Section 9172.23. The signs shall be designed to match the convenience store building, including color(s), texture(s), and/or finish(es), and shall be subject to Planning Division review and approval prior to the issuance of a building permit for said sign.
29. All permitted business signs must be in compliance with the provisions of Section 9136.7 of the Zoning Ordinance.
30. Advertising signs promoting cigarette sales that are visible from the public right-of-way are prohibited.
31. Informative literature pertaining to the health risks and negative effects of smoking shall be required to be placed in a conspicuous area within the convenience store.

FENCES/WALLS

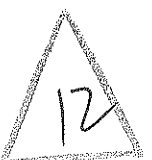
32. All fences, walls and hedges shall be located and constructed in compliance with the standards as provided for in Section 9136.3 (commercial zones) of the Zoning Ordinance.

LIGHTING

33. All exterior lighting shall be provided in compliance with the standards as provided for in Section 9137.1 (commercial zones) of the Zoning Ordinance.
34. Such lights are to be directed on-site in such a manner as to not create a nuisance or hazard to adjacent street and properties, subject to the approval of the Planning Division.

TRUCK LOADING AND MANEUVERING

35. All truck loading facilities, maneuvering areas and parking spaces shall be designed to the standards outlined in Section 9162.62 of the Zoning Ordinance.



TRASH

36. The trash enclosure and recycling area shall be located on a four inch concrete pad screened by a six foot high decorative concrete block wall that is compatible with the architectural design of the main building. A painted metal, self-closing door shall be used for enclosing the entrance to the trash and recycling areas. The trash and recycling area enclosure design is to be approved by the Planning Division prior to issuance of any building permit(s).

FIRE DEPARTMENT - COUNTY OF LOS ANGELES

37. Provide Fire Department and City approved street signs and building address numbers prior to occupancy.
38. Fire Department access shall be extended to within 150 feet distance of any portion of structure to be built.
39. Access shall comply with Section 10.207 of the Fire Code which requires all weather access. All weather access may require paving.

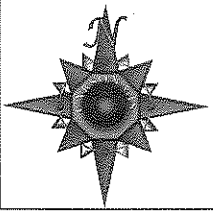
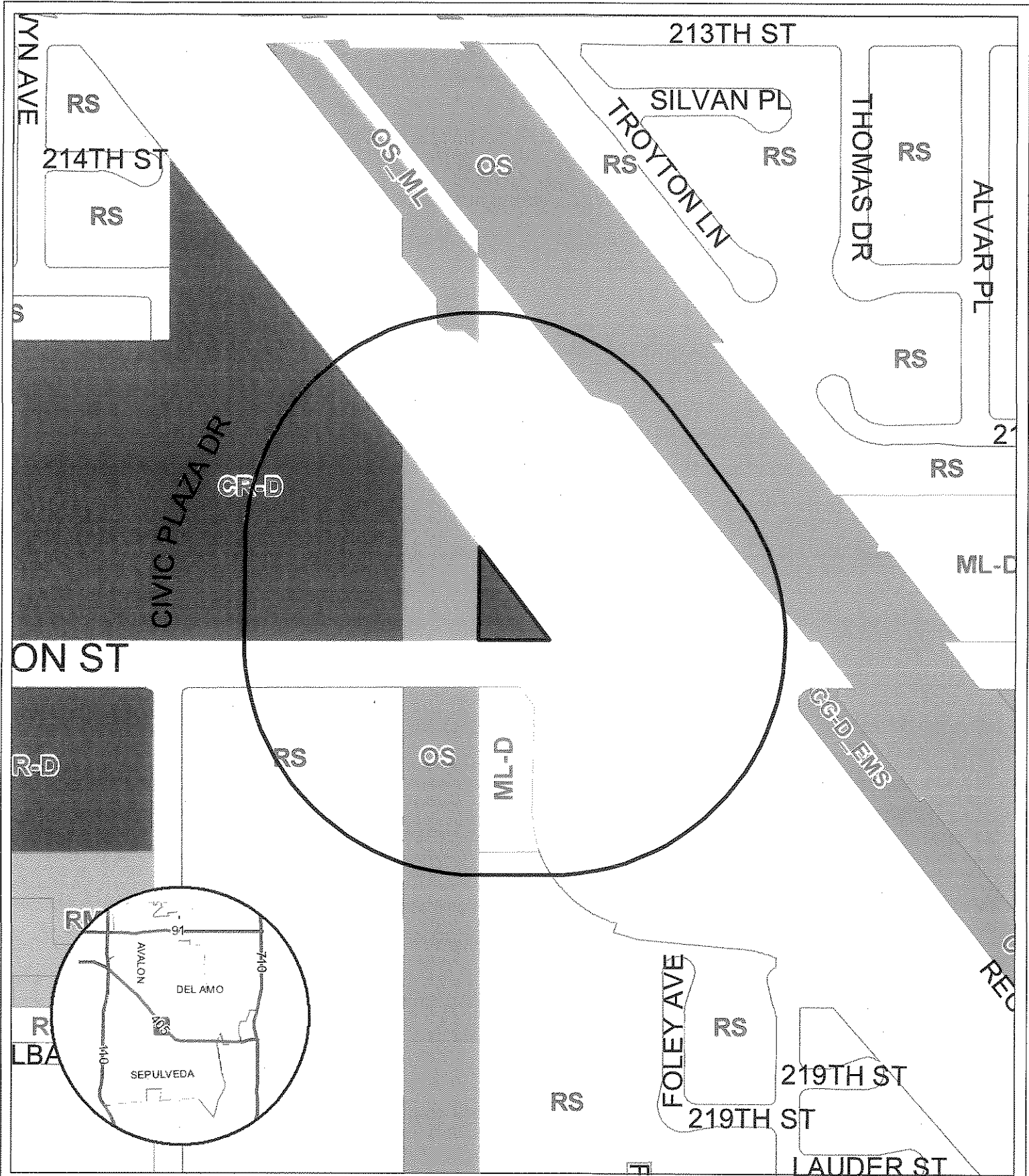
PUBLIC SAFETY - CITY OF CARSON

40. Ensure compliance with current seismic mitigation codes.
41. Where practical, surface treatments, accessibility or landscaping strategies should work to deter graffiti. Stucco or cinder block walls, with access to the public, should be set back or landscaped in such a way as to deter graffiti.
42. Automobile fluid leakage shall be disposed of properly. Leakage shall be prevented flowing to storm drains and shall be properly treated so that no potential harm to the environment or to persons exists.
43. Public phones, if any, shall be placed at the front of the convenience store, in clear line-of-site from the cash register (customer payment) area, or other area where employees who are required to stand in place for extended periods of time have clear view to the phone area.
44. Video surveillance of the convenience store and gas canopy areas shall be recorded 24-hours per day, 7-days a week and stored electronically for future review. The applicant shall utilize technology that allows the Los Angeles County Sheriff's Department to obtain internet access to the security cameras.

BUSINESS LICENSE DEPARTMENT - CITY OF CARSON

45. 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 EXHIBIT NO. 2 -
 500 Foot Radius Map
 1025 East Carson Street

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