



CITY OF CARSON

PLANNING COMMISSION STAFF REPORT

NEW BUSINESS CONSENT: October 26, 2010
SUBJECT: Extension of Time for CUP No. 745-09
APPLICANT/OWNER: Carson Building LLC (America's Tire Co.)
29676 Meadowmist Way
Agoura Hills, CA 91301
REQUEST: An extension of time for CUP No. 745-09
regarding America's Tire, an existing automobile
service station
PROPERTY INVOLVED: 20741 S. Avalon Boulevard

COMMISSION ACTION

☐ Concurred with staff
☐ Did not concur with staff
☐ Other

COMMISSIONERS' VOTE

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

I. Introduction

The applicant is requesting an extension of time for Conditional Use Permit (CUP) No. 745-09, pursuant to Resolution No. 09-2273. The property is located at 20741 S. Avalon Boulevard and is zoned CR-D (Commercial, Regional – Design Overlay).

Property Owner

Carson Building LLC (America's Tire Co.)
29676 Meadowmist Way
Agoura Hills, CA 91301

Applicants

Steven J. Eichberg, Esq.
America's Tire Co.
2046 Kirsten Lee Drive
Westlake Village, CA 91361

Craig S. Blume, Architect
Bergman Architecture
2121 S. Haven Avenue, #200
Ontario, CA 91761

II. Background

On October 27, 2009, the Planning Commission approved CUP No. 745-09 for exterior improvements to an America's Tire sales/repair store. The applicant has one year to obtain a building permit or the CUP becomes null and void, unless an extension of time is requested prior to expiration and approved by the Planning Commission. The applicant submitted a request for a time extension on October 21, 2010, prior to the permit expiring.

III. Analysis

The applicant is requesting an extension of time because the building permit has not been issued. Plans are currently being reviewed by Building and Safety and the applicant anticipates obtaining a building permit in the next 6-8 weeks. Furthermore, the applicant wishes to expand the showroom and do other improvements apart from the CUP requirements. Since this is a CUP for compliance of a legal nonconforming use, staff recommends that the Planning Commission grant a time extension for **six months**.

IV. Recommendation

That the Planning Commission:

- **APPROVE** the time extension for CUP No. 745-09 until April 26, 2011; and
- **ADOPT** a minute resolution extending the approval to April 26, 2011.

V. Exhibits

1. Planning Commission Resolution No. 09-2273 adopted on October 26, 2009
2. Letter from Applicant Requesting Extension of Time, dated October 21, 2010

Prepared by:


John F. Signo, AICP, Senior Planner

Approved by:


Sheri Repp-Loadsmen, Planning Officer



CITY OF CARSON
PLANNING COMMISSION
RESOLUTION NO. 09-2273

A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF CARSON APPROVING CONDITIONAL USE PERMIT
NO. 745-09 FOR EXTERIOR IMPROVEMENTS FOR AN
AUTOMOBILE TIRE SALES AND REPAIR BUSINESS LOCATED
AT 20741 S. AVALON BOULEVARD

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, America's Tire Company, with respect to real property located at 20741 S. Avalon Boulevard, and described in Exhibit "A" attached hereto, requesting the approval of a Conditional Use Permit (CUP No. 745-09) for exterior improvements to an America's Tire sales/repair store in the CR-D (Commercial, Regional-Design Overlay Review) zoning district. 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 in the CR-D (Commercial, Regional - Design Overlay) zoning district.

A public hearing was duly held on October 27, 2009, 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 Commercial Regional which is compatible with the proposed use. The proposed commercial building remodel will be consistent with the surrounding commercial 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 use and development. The surrounding land uses are primarily light industrial uses and the proposed project is compatible with those uses. The site is 0.61 acres, relatively flat, and is located in a commercial area.
- d) The circulation and street parking on the adjacent public streets will not be adversely impacted since the proposed use at the site for auto repair and sales will not change. Safety and convenience of vehicular and pedestrian access is provided.



- e) Signage will be reviewed for conformance with the Carson Municipal Code. Signs will be attractive and consistent with the surrounding area.
- f) The proposed CUP application for exterior remodel 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 not alter the predominantly commercial regional 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. 745-09 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 27th DAY OF OCTOBER, 2009


CHAIRMAN

ATTEST:


SECRETARY



EXHIBIT "A"

Parcel 2, in the City of Carson, County of Los Angeles, State of California, as shown on Parcel Map No. 3579, filed in Book 44 page 1 of Parcel Maps, in the Office of the County Recorder of said County except 100 percent of the oil, gas, petroleum, and other hydrocarbon substances which lie below a plane parallel to and 500 feet below the natural surface of said land without, however, any right to enter upon the surface of said land to explore for, develop, or remove said substances, but with full right to explore for, develop and remove the same by means of wells or equipment, having surface locations outside the outer boundaries of said real property, in and under or recoverable from said real property, as excepted in the deed from Del Amo Estate Company, a Corporation, recorded November 8, 1963, in Book D-2250 Page 752, Official Records.

08 2080791



CITY OF CARSON
ECONOMIC DEVELOPMENT
PLANNING DIVISION
EXHIBIT "B"

CONDITIONS OF APPROVAL

CONDITIONAL USE PERMIT NO. 745-09

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. 745-09, 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 provided 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 20741 S. Avalon Boulevard. 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 re-slurry and/or repair the front, rear and side parking lot areas and fill/repair any existing "pot-holes" 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. The Planning Division shall approve the location and signage for company "used oil recycling" services.
13. The owner/applicant submitted a landscape and irrigation plan identifying the planting of new shrubs, flowering evergreen ground cover, and three new Tabebuia (Pink Trumpet/White Cedar) trees along Avalon Boulevard frontage. All trees and new shrubs planted shall be maintained by an automatic drip irrigation system. Existing landscaping shall be removed as noted on plans and replaced by the approved landscaping plan. Failure to maintain landscaping will result in Code Enforcement action against the property owner. Said landscape and irrigation plan shall be presented to the Planning Division for review and approval.
14. The owner/applicant shall remove the existing non-conforming over-height (over 30 feet high) pole sign and apply for a separate sign permit for the proposed north wall sign. Said permit shall be subject to Planning Division review and approval for proper size, height, type, material, and design standards to be applied consistently with all auto repair uses within the CR (Commercial, Regional) zoning district adjacent to the South Bay Pavillion.
15. The owner/applicant shall secure an "air-encroachment" easement signed and notarized by the abutting property owner to the north to facilitate the proposed north wall sign. Said easement shall be approved by the Planning Division and recorded with the Los Angeles County Recorder's Office.
16. In order to promote compatibility of existing buildings/structures with surrounding development the owner/applicant shall replace existing metal industrial "work bay" roll-up doors facing Avalon Boulevard with new architecturally compatible roll-up doors approved by the Planning Division.



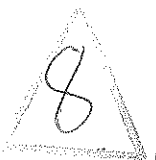
17. Any future building expansions will require a modification request to the Conditional Use Permit.
18. Applicant shall defend, indemnify and hold harmless the City of Carson, its agents, officers, or employees from any claims, damages, action, or proceeding against the City or its agents, officers, 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. 745-09. 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

19. 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

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.





2121 S. Haven Avenue
Ontario, CA 91761
United States of America

October 21, 2010

RE: America's Tire 20741 S. Avalon Blvd. - C.U.P. 745-09

City of Carson, CA - Planning Commission
701 East Carson Street
Carson, CA 90745

Dear Planning Commission,
Subject: C.U.P. 745-09 Extension & Minor Modification Request

Please accept our request to extend the expiration date of the existing Condition Use Permit, and Minor Modification.

We are requesting an extension because we have not obtained approval from the various building departments to obtain a building permit to make the necessary building improvements. Plans were originally submitted to the building department on July 6th 2010 for Plan Check. We have been working with the Building Department to comply with all local and State Building Codes. We anticipate having all approvals in place within 6-8 weeks, and construction will commence promptly.

Additionally, we request a minor modification to allow the expansion of the existing sales / customer waiting area. This expansion would convert an existing service bay; therefore no additional square footage would be added to the building footprint. We propose to eliminate an existing roll-up garage door and install an aluminum storefront system to match existing storefront. This conversion would not eliminate any required parking spaces.

Exhibits have been provided showing the existing floor plan and elevation, along with the proposed modification.

Thank you for your Consideration

Craig S Blume, Architect

BERGMAN ARCHITECTURE

2121 S. Haven Avenue #200 909.923.6093 / P
Ontario, California 91761 909.923.6929 / F

thebergman.com

EXHIBIT NO. 2 -

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John Signo

From: Craig Blume [CBlume@thebergman.com]
Sent: Thursday, October 21, 2010 4:39 PM
To: John Signo
Subject: RE: America's Tire; 20741 South Avalon Blvd. - Request for Extension

John,

Thank you.

Would it be possible to get a 120 day extension? Since we are trying to bundle the showroom expansion into this permit, there may be additional items that may slow the process. I would hate to have to apply for an additional extension.

Since we are on the agenda for Tuesday, we should be present at the meeting, correct?

Craig S. Blume
Architect - Project Manager

D / 909.923.6961 F / 909.923.6929 C / 909.208.1892
Haven Office: T / 909.923.6093 - 2121 S. Haven Avenue, Ontario, California 91761
cblume@thebergman.com
assistant: Steve Appel email: sappel@thebergman.com
Corporate Office: T / 909.627.3651 - 4300 Edison Avenue, Chino, California 91710
www.thebergman.com

construction / development services / architecture / 
california / colorado / georgia / florida / hong kong



From: John Signo [mailto:JSigno@carson.ca.us]
Sent: Thursday, October 21, 2010 3:47 PM
To: Craig Blume
Cc: Zak Gonzalez II; Denise Bothe
Subject: RE: America's Tire; 20741 South Avalon Blvd. - Request for Extension

Craig,

I've located your application on Zak's desk and have a copy of your letter. Since the time extension has been included in the agenda, I'll go ahead and prepare the report. According to your letter, you expect to obtain a building permit within 6-8 weeks. Since this is a CUP for compliance, I'll recommend that the Planning Commission extend the CUP for 90 days. That should give ample time to work with Building and Safety.

In regards to the modification, we need to fully review the proposal before it can go to Planning Commission. Zak will work with you through the process.

John F. Signo, AICP
Senior Planner
City of Carson Planning Division

