



CITY OF CARSON

PLANNING COMMISSION STAFF REPORT

CONTINUED PUBLIC HEARING: January 11, 2011

SUBJECT: Conditional Use Permit No. 721-09

APPLICANT: Firestone (Bridgestone Retail Operations, LLC)
c/o: Robert Sundstrom (Huitt-Zollars, Inc.)
430 Exchange, Suite 200
Irvine, CA 92602-1315

REQUEST: To approve a Conditional Use Permit for Firestone, an existing tire and wheel sales and auto repair store on a site located in the CR-D (Commercial, Regional-Design Overlay) zoning district

PROPERTY INVOLVED: 20707 S. Avalon Boulevard

COMMISSION ACTION

- Concurred with staff
- Did not concur with staff
- Other

COMMISSIONERS' VOTE

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

I. Introduction

This item was continued from the November 9, 2010, November 23, 2010, and December 14, 2010 Planning Commission public hearings at the request of the applicant in order to provide time for his client to evaluate the physical and financial effects of the recommended conditions of approval contained in Exhibit "B" of the attached Resolution (Exhibit No. 1). In particular, the applicant requested to further examine the conditions relating to removal of the pylon sign, the façade remodel performance deadline of three years, and increasing the landscape in the front yard to ten feet along the northeastern portion of the site. These issues were discussed in the "*Issues of Concern*" section in the November 9, 2010 staff report to the Planning Commission.

II. Background

Staff has had numerous phone calls with the applicant between the November 23, 2010 and December 14, 2010 meetings. However, minimal contact has been made since due to the holiday season and amenable terms regarding the conditions of approval have yet to be achieved. Nonetheless, staff still supports the proposed project subject to the conditions of approval.

Since the November 9, 2010 Planning Commission hearing, two issues still remain at an impasse between staff and the applicant for reasons outlined below:

- 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 South Bay Pavilion shopping center.

Staff recommends that the applicant provide a building elevation improvement plan within a three-year period following CUP approval. Firestone contends this condition is open-ended and vague because the value of such improvements is not quantified and therefore results in an unknown economic impact. To date, the applicant has been unwilling to accept such a condition.

Staff has proposed various improvements to the building, similar to those recently completed on other auto-repair businesses in the CR zone, which include the use of tile veneer, new roll-up bay doors, new paint, stucco, and trim (score lines, banding, etc.), roof treatment (cornices, parapets, etc.), planter boxes, new signs, etc.

- Issue – Front Yard Setback: The existing front yard landscape setback is legal, non-conforming with respect to its width. Section 9162.51 of the CMC requires a ten-foot landscape setback along the public right-of-way. At the November 9, 2010 public hearing, staff recommended requiring that the north side of the front yard setback (north of the proposed monument sign) be increased to a ten-foot wide landscape section. This has been a cause of concern for the applicant who contends that a ten-foot setback would be detrimental to the business plan and would hinder vehicular access through the site, turning radii for vehicles on the site, and would result in the loss of



parking spaces. However, prior to the December 14, 2010, the applicant showed some willingness to comply with this condition, but still held some reservation. Staff recommends that Condition of Approval No. 11 contained in Exhibit "B" of the Resolution remain as is.

Apart from the information discussed above, no additional information is being presented at this time. The findings remain the same as in the November 9, 2010 staff report. Therefore, staff recommendation is unchanged.

III. Recommendation

That the Planning Commission:

- **APPROVE** Conditional Use Permit No. 721-09, 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. 721-09 FOR AN AUTOMOBILE TIRE SALES AND REPAIR BUSINESS LOCATED AT 20707 S. AVALON BOULEVARD."

IV. Exhibits

1. Draft Resolution
2. November 9, 2010, November 23, 2010, and December 14, 2010 Planning Commission Staff Reports for Conditional Use Permit No. 721-09 (including exhibits) available on the internet by following this link: [http://ci.carson.ca.us/content/departement/eco dev service/planning agenda.asp?yr=2010](http://ci.carson.ca.us/content/departement/eco_dev_service/planning_agenda.asp?yr=2010)

Prepared by: _____

Steve Newberg, AICP, Associate Planner

Reviewed by: _____

John F. Signo, AICP, Senior Planner

Approved by: _____

Sheri Repp-Loadsmann, Planning Officer

scn/c72109p11111



CITY OF CARSON
PLANNING COMMISSION
RESOLUTION NO. 10-

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF CARSON APPROVING CONDITIONAL USE PERMIT
NO. 721-09 FOR AN AUTOMOBILE TIRE SALES AND REPAIR
BUSINESS LOCATED AT 20707 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 Huitt-Zollars, Inc. on behalf of the applicant, Firestone (Bridgestone Retail Operations, LLC), with respect to real property located at 20707 S. Avalon Boulevard, and described in Exhibit "A" attached hereto, requesting the approval of Conditional Use Permit No. 721-09 to authorize the continued use of the existing tire and wheel sales and auto repair store located in the CR-D (Commercial, Regional-Design Overlay Review) zoning district. On November 4, 2004, Ordinance No. 04-1322 became effective requiring existing automobile repair and service stations in the CR-D (Commercial, Regional - Design Overlay) to obtain a conditional use permit (CUP) for continued operations.

Public hearings were duly held on November 9, 2010, November 23, 2010, and December 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. Evidence, both written and oral, was duly presented to and considered by the Planning Commission at the aforesaid meeting.

Section 2. The Planning Commission finds that:

- a) The property lies within the area designated on the General Plan as available for Regional Commercial uses and bears a consistent zoning classification of CR-D (Commercial, Regional – Design Overlay). The existing tire and wheel sales and auto repair store adheres to the goals and policies described in the Land Use Element of the General Plan for the Regional Commercial designation and is also a permitted use in the CR-D zone.
- b) The subject site is square, flat, and located within a built and urbanized environment with adequate utilities to accommodate the existing uses and development. The subject property is approximately 32,000 square feet (0.73 acres), which is in excess of the minimum size required for commercial lots in the CR zone for this use. Accordingly, the site has sufficient space for to accommodate the proposed use.
- c) The project involves acquiring a CUP for an existing auto retail and repair facility that will continue to provide adequate street access and traffic capacity. The improvements contemplated in connection with the CUP will not increase the size or capacity of the existing tire and wheel sales and auto repair store and therefore will not change the existing trip volume generated from the use. Customer parking areas provide adequate and safe circulation of vehicles and pedestrians on site and serve both the retail and service portions of the facility.



The existing 21 parking spaces onsite are sufficient to comply with applicable zoning codes for the use.

- d) The existing facility provides adequate access for emergency vehicles, including the Fire Department, by way of a large common driveway and parking lot that wraps around the building. There is adequate water supply and access for emergency vehicles in the area for fire protection.
- e) The existing development is complementary and consistent with the intended character of the area, in terms of providing for community needs. The site is surrounded by commercial uses, including a similar automobile tire sales and service center.
- f) The existing non-conforming dual-pole sign will be demolished and replaced with a new monument sign located further south on the east side of the property. The existing wall sign will remain. As such, the signs on the property conform to applicable zoning codes and contribute to an aesthetic improvement to the property and positively impact commercial properties in the vicinity.
- g) The use will comply with the City's development standards for auto repair facilities as outlined in Section 9138.2 of the CMC.

Section 3. The Planning Commission further finds that the proposed use will not have a significant effect on the environment. The proposed use will not alter the predominantly 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), Existing Facilities, of the CEQA (California Environmental Quality Act) Guidelines.

Section 4. Based on the aforementioned findings, the Commission hereby approves Conditional Use Permit No. 721-09 with respect to the property described in Section 1 hereof, subject to the conditions set forth in Exhibit "B" attached hereto.

Section 5. The Secretary shall certify to the adoption of the Resolution and shall transmit copies of the same to the applicant.

Section 6. This action shall become final and effective fifteen days after the adoption of this Resolution unless within such time an appeal is filed with the City Clerk in accordance with the provisions of the Carson Zoning Ordinance.

PASSED, APPROVED AND ADOPTED THIS 11th DAY OF JANUARY, 2011

CHAIRMAN

ATTEST:

SECRETARY



EXHIBIT "A"

THE LAND REFERRED TO IN THIS POLICY IS SITUATED IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

PARCEL A:

PARCEL 5, IN THE CITY OF CARSON, IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS SHOWN ON PARCEL MAP NO. 2538 FILED IN BOOK 38 PAGE 5 OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

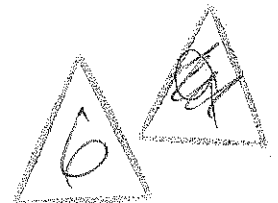
EXCEPT 100 PER CENT OF THE OIL, GAS, PETROLEUM, AND OTHER HYDROCARBON SUBSTANCES WHICH LIE BELOW A PLANE PARALLEL TO AND 500 FEET BELOW THE NATURAL SURFACE OF SAID LAND WITHOUT, HOWEVER, ANY RIGHT TO ENTER UPON THE SURFACE OF SAID LAND TO EXPLORE FOR, DEVELOP, OR REMOVE SAID SUBSTANCES, BUT WITH FULL 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 C-2250 PAGE 752, OFFICIAL RECORDS.

PARCEL B:

AN ACCESS EASEMENT FOR INGRESS AND EGRESS PURPOSES OVER AND ACROSS THAT PORTION OF PARCEL 4, PARCEL MAP NO. 2538 IN THE CITY OF CARSON, IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP FILED IN BOOK 38, PAGE 5, OF PARCEL MAP, RECORDS OF LOS ANGELES COUNTY.

COMMENCING AT THE NORTHEASTERLY CORNER OF SAID PARCEL 4, PARCEL MAP NO. 2538; THENCE ALONG THE NORTHWESTERLY LINE OF SAID PARCEL 4 SOUTH $63^{\circ} 19' 24''$ WEST 5.00 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID NORTHWESTERLY LINE SOUTH $63^{\circ} 19' 24''$ WEST 25.00 FEET; THENCE SOUTH $25^{\circ} 23' 34''$ EAST 63.63 FEET; THENCE RADIALLY NORTH $65^{\circ} 53' 28''$ EAST 30.00 FEET TO THE NORTHEASTERLY LINE OF SAID PARCEL 4, ALSO BEING THE SOUTHWESTERLY LINE OF AVALON BOULEVARD, 100 FEET WIDE, AS SHOWN ON SAID PARCEL MAP NO. 2538; THENCE ALONG SAID NORTHEASTERLY LINE OF SAID PARCEL 4 AN ARC DISTANCE OF 32.00 FEET THROUGH A CENTRAL ANGLE OF $1^{\circ} 15' 52''$; A RADIAL LINE TO SAID POINT BEARS NORTH $64^{\circ} 37' 36''$ EAST; THENCE RADIALLY SOUTH $64^{\circ} 37' 36''$ WEST 5.00 FEET; THENCE NORTH

$26^{\circ} 01' 30''$ WEST 32.87 FEET TO THE NORTHWESTERLY LINE OF SAID PARCEL 4 AND TO THE TRUE POINT OF BEGINNING.



CITY OF CARSON
ECONOMIC DEVELOPMENT
PLANNING DIVISION
EXHIBIT "B"
CONDITIONS OF APPROVAL
CONDITIONAL USE PERMIT NO. 721-09
GENERAL CONDITIONS

1. 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.
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 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 comply with all city, county, state and federal regulations applicable to this project.
4. The applicant shall make any necessary site plan and design revisions to the site plan and elevations approved by the Planning Commission in order to comply with all the conditions of approval and applicable Zoning Ordinance provisions. Substantial revisions will require review and approval by the Planning Commission. Any minor revisions shall be reviewed and approved by the Planning Division prior to Building and Safety plan check submittal.
5. The applicant and property owner shall sign an Affidavit of Acceptance form and submit the document to the Planning Division within 30 days of receipt of the Planning Commission Resolution.
6. It is further made a condition of this approval that if any condition is violated or if any law, statute ordinance is violated, this permit may be revoked by the Planning Commission or City Council, as may be applicable; provided the applicant has been given written notice to cease such violation and has failed to do so for a period of thirty days.
7. The 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.
8. In accordance with Ordinance No. 04-1322, the owner/applicant shall provide a 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 20707 S. Avalon Boulevard. The mitigation measures in such report shall be hereby incorporated in these conditions of approval and such report shall be completed and submitted to the Planning Division within 90 days of the Planning Commission's approval, with an additional 90 days permitted to allow for the mitigation measures, if any, to be completed subject to the Planning Division's review and approval.

9. The owner/applicant shall repair cracks and uneven surfaces, and re-slurry and re-stripe the parking area for the appropriate number of vehicular, including handicapped parking spaces and bumper stops as called for in the Carson Municipal Code, and in accordance to a plan submitted by the applicant to the city, subject to review and approval by the Planning Division.
10. The owner/applicant shall comply with the Standard Urban Storm Water Plan (SUSMP) requirements. Owner/applicant shall coordinate with the city's Development Services Department, Public Works Division.
11. The owner/applicant shall submit a landscape and irrigation plan. Said plan shall illustrate a ten-foot landscape setback for the portion of the front yard setback along Avalon Boulevard north of the proposed new monument sign location, including the planting of new shrubs, flowering evergreen ground cover, and existing and/or proposed trees. 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.
12. A demolition permit shall be issued for removal of the existing non-conforming dual-pole sign within 90 days of CUP approval. Such demolition shall be complete and a final for such permit shall be given within 90 days of issuance of said demolition permit.
13. The owner/applicant shall apply for a separate sign permit within 90 days of issuance of demolition permit as described in Condition No. 13 of this Resolution. Approval of said permit shall be subject to Planning Division's review and approval for proper size, height, type, material, and design standards of the monument sign pursuant to Sections 9136.7 and 9172.23 of the Carson Municipal Code.
14. The owner/applicant shall apply for a separate banner permit, if applicable. Approval of said permit shall follow procedures set forth in Condition No. 13 above. Existing banners, if unpermitted shall be removed effective immediately.
15. 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.
16. Any future building expansions will require a modification request to the Conditional Use Permit.



17. The applicant shall submit façade improvement development plans for the existing building within three years of CUP approval. Such plans shall be subject to design review pursuant to CMC Section 9172.23. Failure to submit within the time specified will result in expiration of the approved CUP pursuant to CMC Section 9172.21(H)(1)(b).
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. 721-09. 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 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.

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.

