



CITY OF CARSON

PLANNING COMMISSION STAFF REPORT

PUBLIC HEARING: January 25, 2011

SUBJECT: Conditional Use Permit No. 848-10

APPLICANT: Maurice Refoua/Eli Mashiach
410 South Beverly Drive
Beverly Hills, CA 90212

PROPERTY OWNER: Carson Avalon Properties, LLC
410 South Beverly Drive
Beverly Hills, CA 90212

REQUEST: To approve an auto repair business on a site located in the CR-D (Commercial Regional, Design Overlay) zoning district

PROPERTY INVOLVED: 655 East 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
		Goolsby			

Item No. 11D

I. Introduction

The applicant, Maurice Refoua and Eli Mashiach is requesting approval of Conditional Use Permit (CUP) No. 848-10 to authorize an auto repair use located at 655 East Carson Street (Exhibit No. 2).

An auto repair use was lawfully operating on the property site since 1972 and closed in 2010 due to a change in ownership. At that time, all underground bays and oil storage areas were removed. The applicant is proposing two above ground electrical bays and above ground storage containers for waste oil, water, filter, and coolant.

II. Background

The property is developed with a service station and a 2,103-square-foot building currently being utilized as a snack shop. The auto repair area is currently not being utilized and vacant.

The property site is approximately a half acre and occupied by a service station (Chevron), a 728-square-foot snack shop, and an attached 1,375-square-foot auto repair shop. The auto repair use will be located within the existing building, adjacent to the snack shop.

The subject property is zoned CR-D (Commercial Regional, Design Overlay) and has a General Plan land use designation of Regional Commercial. The site is also within the Carson Consolidated Redevelopment Project Area.

The subject property is bound by commercial uses to the north and west. Directly east of the site across Avalon Boulevard is City Hall and directly south of the site across Carson Street are additional commercial uses. An auto repair use is permitted in the CR-D zoning district with the approval of a conditional use permit.

III. Analysis

Conditional Use Permits

A Conditional Use Permit can only be approved by the Planning Commission if certain affirmative findings can be made, including providing adequate on-site parking and meeting applicable development standards contained in Carson Municipal Code (CMC) Section 9138.2. According to CMC Section 9172.21 – Conditional Use Permit, the Planning Commission shall recommend approval of the proposal if it is able to make affirmative findings based on the following criteria:

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

The proposed project is consistent with the General Plan of the city of Carson in that the subject property is designated for Regional Commercial and zoned CR-D (Commercial, Regional – Design Overlay). Auto repair use is permitted on-site with the 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 proposed project meets the City's design and development standards. The applicant has proposed site upgrades which include additional landscaping, a sign program, restriping of parking spaces, repairing of damaged asphalt, and the dedication of land to the city for Americans with Disability Act (ADA) compliance and additional area for a bus shelter.

The site meets minimum parking requirements and has a surplus of six (6) parking spaces. All operations will be conducted within the enclosed building. However, the bay doors are visible from Carson Street but setback approximately eighty (80) feet from the property line. No doors or windows face residential zones and all operations are conducted indoors. The site is in compliance with the requirements of CMC Section 9138.2 – Vehicle Service and Repair with the exception of the bay doors facing Carson Street. The building is existing, therefore the location of the bay doors are considered legal non-conforming.

The applicant has also proposed a sign program, replacing the existing pole sign located on the corner of Carson Street and Avalon Boulevard with a monument sign and additional landscaping. The sign program also includes upgrades to the existing canopies for the service station and gas pumps.

With the proposed improvements the site and building is adequate in size, shape, topography, location, and utilities to accommodate the auto repair use.

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

Adequate driveway widths and street access are provided on the site. Per the parking requirements of CMC Section 9162.21, a total of nine (9) parking spaces are required on-site. The site will be developed with fifteen (15) striped parking spaces, therefore will result in a surplus of six (6) spaces. The applicant is also proposing to dedicate land along Carson Street and a portion of Avalon Boulevard to the city in order to improve accessibility on the sidewalk for pedestrians and the bus shelter.

The project will not affect or impact the safe circulation of either pedestrians or vehicular traffic. With the proposed dedication, the project will improve circulation for pedestrians.

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

The site is existing, therefore adequate water supply for fire protection is currently provided by the Los Angeles County Fire Department.

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

The use is permitted with the approval of a conditional use permit by the Planning Commission. An auto repair use has been operating at this location since 1972, however operations closed for less than a year so the current owners could obtain a

conditional use permit. Generally, an auto repair use in conjunction with a service station is considered to be a compatible use and appropriate for the surrounding area. However, the site is included in the city's Carson Street Master Plan and an auto repair use would not be compatible with the city's long-term development goals for this area. The auto repair use is generally acceptable for the short term. Significant changes are expected within the immediate area and along the Carson Street corridor as a whole. There are several large residential developments proposed or under construction. The city and Redevelopment Agency are also proceeding with assertive plans to alter and improve the public right-of-way along Carson Street and Avalon Boulevard. With the combined anticipated public and private investments over the next 5 years and as the economic climate improves, staff believes that the auto repair use may become inconsistent and incompatible with the surrounding area.

With the applicant's proposed improvements, staff believes the project generally meets all applicable design standards and guidelines of the Municipal Code and is compatible with the existing development. In an effort to preserve the city's long-range development goals, staff recommends a condition of approval be added requiring the CUP be reviewed and evaluated by the Planning Commission in five (5) years to determine if the auto repair use is still compatible with the existing and intended character of the area. The proposed 5-year time limit will mitigate the potential negative impact of the long term operation of an auto repair use at this location. The CUP will automatically expire at the end of the 5-year term unless the Planning Commission is able to make affirmative findings to support an extension to the permit. The applicant will need to apply for a modification to this permit and request that a public hearing be held to consider an extension to time for the auto repair use.

With the proposed improvements and condition of approval, staff believes the existing building and use are compatible with the current and intended character of the area.

f. Such other criteria as are specified for the particular use in other sections of this chapter (Zoning Ordinance).

The proposed project is subject to the requirements in CMC Section 9138.2 – Vehicle Service and Repair. The project meets all the minimum requirements stated within this section, however CMC Section 9138.2 (16) states, "That the requirements and limitations contained in this Section shall be considered minimum standards; provided, however, that the Planning Commission may:

- a. Require such additional conditions as are deemed necessary within the intent of CMC 9172.21(D); or
- b. Modify such requirements or limitations contained herein which, in the opinion of the Planning Commission, are inappropriate or inapplicable either to the intended use of the property, to the property itself or to adjacent property."



Staff has included conditions of approval as stated in CMC Section 9138.2 – Vehicle Service and Repair. Staff believes no additional requirements or limitations are needed. The proposed auto repair facility meets all minimum requirements and is appropriate for the surrounding area during the 5 year time limit included as a condition of the permit.

Therefore, the project meets the goals and objectives of the General Plan and is consistent with applicable zoning and design regulations subject to compliance with the conditions of approval. Therefore all of the required findings pursuant to Section 9172.21(D), "Conditional Use Permit, Commission Findings and Decision" and Section 9138.2, "Vehicle Service and Repair" can be made in the affirmative.

IV. Environmental Review

Pursuant to Section 15301(a) – Existing Facilities (Class 1) of the California Environmental Quality Act (CEQA), the approval of a conditional use permit for an auto repair facility located at the project site is exempt. The project does not have the potential to cause a significant effect on the environment.


V. Recommendation

That the Planning Commission:

- APPROVE Conditional Use Permit No.848-10; and
- WAIVE further reading and ADOPT Resolution No. 11-_____, entitled "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON APPROVING CONDITIONAL USE PERMIT NO. 848-10 TO PERMIT AN AUTO REPAIR FACILITY LOCATED AT 655 EAST CARSON STREET."

VI. Exhibits

1. Draft Resolutions
2. Site Map
3. Development Plans (under separate cover)

Prepared by: 
Sharon Song, Associate Planner

Reviewed by: 
John F. Signo, AICP, Senior Planner

Approved by: 
Sheri Repp-Loadsman, Planning Officer

CITY OF CARSON
PLANNING COMMISSION
RESOLUTION NO. 11-XXXX

A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF CARSON APPROVING CONDITIONAL USE PERMIT
NO. 848-10 TO PERMIT AN AUTO REPAIR FACILITY LOCATED
AT 655 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 Maurice Refoua and Eli Mashiach, with respect to real property located at 655 East Carson Street, and described in Exhibit "A" attached hereto, requesting the approval of Conditional Use Permit No. 848-10 to authorize the operation of an auto repair use in the CR-D (Commercial, Regional - Design Overlay Review) zoning district.

A public hearing was duly held on January 25, 2011, 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 proposed auto repair business adheres to the goals and policies described in the Land Use Element of the General Plan for the General Commercial designation and is also a permitted use in the CR-D zone with the approval of a conditional use permit.
- b) The subject site is square, flat, and located within a built and urbanized environment with adequate utilities to accommodate the existing use and development. The subject property has sufficient space to accommodate the proposed use and provide adequate driveways and access.
- c) The project involves acquiring a CUP for the operation of an auto repair facility. The site will continue to provide adequate street access and traffic capacity. The project will provide adequate parking spaces and not have a significant impact on traffic. Designated driveways and parking areas will provide adequate and safe circulation of vehicles and pedestrians on site and serve the facility.
- d) The existing facility provides adequate access for emergency vehicles, including the Fire Department and adequate water supply is provided in the area for fire protection.
- e) The existing development is generally consistent with the intended character of the area. The auto repair use conflicts with the long-term development goals



for the area, therefore a condition of approval has been included establishing a 5 year time limit to the permit. The Planning Commission shall conduct a public hearing to determine if an extension of time can be authorized pursuant to the applicable findings to ensure the use is still consistent with the existing and intended character of area. The CUP will automatically expire at the end of the 5-year term unless the Planning Commission is able to make affirmative findings to support an extension to the permit.

- f) 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 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(a) of the CEQA (California Environmental Quality Act) Guidelines.

Section 4. Based on the aforementioned findings, the Commission hereby approves Conditional Use Permit No. 848-10 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 25th DAY OF JANUARY, 2011

CHAIRMAN

ATTEST:

SECRETARY



Exhibit "A"

The land referred to herein is situated in the State of California, County of Los Angeles, and described as follows:

Parcel 1, in the County of Los Angeles, State of California, as shown on Parcel Map No. 1372, as per Map filed in Book 26, Page 91 of Parcel Maps, in the office of the County Recorder of said County.

APN: 7337-011-038

(End of Legal Description)



**CITY OF CARSON
ECONOMIC DEVELOPMENT
PLANNING DIVISION**

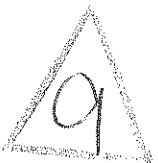
EXHIBIT "B"

CONDITIONS OF APPROVAL

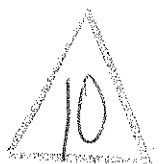
CONDITIONAL USE PERMIT NO. 848-10

GENERAL CONDITIONS

1. If a business license permit for said use is not issued within 180 days of the approval of Conditional Use Permit No. 848-10, 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, abandoned or has ceased to exist for a period of 180 days, unless an extension of time is requested prior to expiration and approved by the Planning Commission.
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. This permit will automatically expire at the end of the 5-year term unless the Planning Commission is able to make affirmative findings to support an extension to the permit. The applicant shall apply for a modification of this permit and request that a public hearing be held to consider an extension of time for the auto repair use.
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 owner/applicant shall stripe parking spaces for the appropriate number of parking spaces and bumper stops as required in the Carson Municipal Code.
9. All broken or damaged asphalt on-site shall be repaired or restored to the satisfaction of the Planning Division within 30-days of approval.
10. The owner/applicant shall apply for a separate sign and/or banner permits, if applicable. Approval of said permit shall be subject to Planning Division's review and approval for proper size, height, type, material, and design standards to be applied consistently with the CR-D (Commercial, Regional, Design Overlay) zoning district.
11. The property owner and/or tenant shall comply with the city's standard requirements for a business license prior to the transferring of an existing or establishment of a new auto repair business. The Planning Division shall review any business license application to ensure the new use does not result in a substantial change from the current auto repair use. Substantial changes shall require authorization of a modification of conditions from the Planning Commission prior to the approval/issuance of the business license.
12. All operations such as work or repair on vehicles must be conducted within the building. No work shall be permitted within the parking lot.
13. All damaged or wrecked vehicles awaiting repair shall be effectively screened so as not to be visible from surrounding property or from any adjoining public street or walkway.
14. All repair activities shall be confined to the hours between 7:00 a.m. to 9:00 p.m. daily.
15. All display and storage shall be located within an enclosed building. Vehicles awaiting service may be parked in an unenclosed area for a period not to exceed seventy-two (72) hours.
16. Prevent storm water pollutants of concern such as oil and grease, solvents, car battery acid, coolant and gasoline from entering into the storm water conveyance system.
17. Avoid hosing down work areas. If work areas are washed, collect and store wash water and dispose appropriately, according to state law. Use dry sweeping if possible.
18. Designate a special area to drain and replace motor oil, coolant, and other fluids, where there are no connections to the storm drain or the sanitary sewer, and drips and spills can be easily cleaned up.
19. Post signs at sinks to remind employees not to pour wastes down drains.

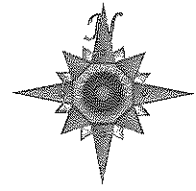
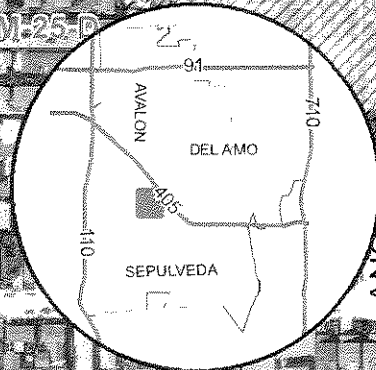
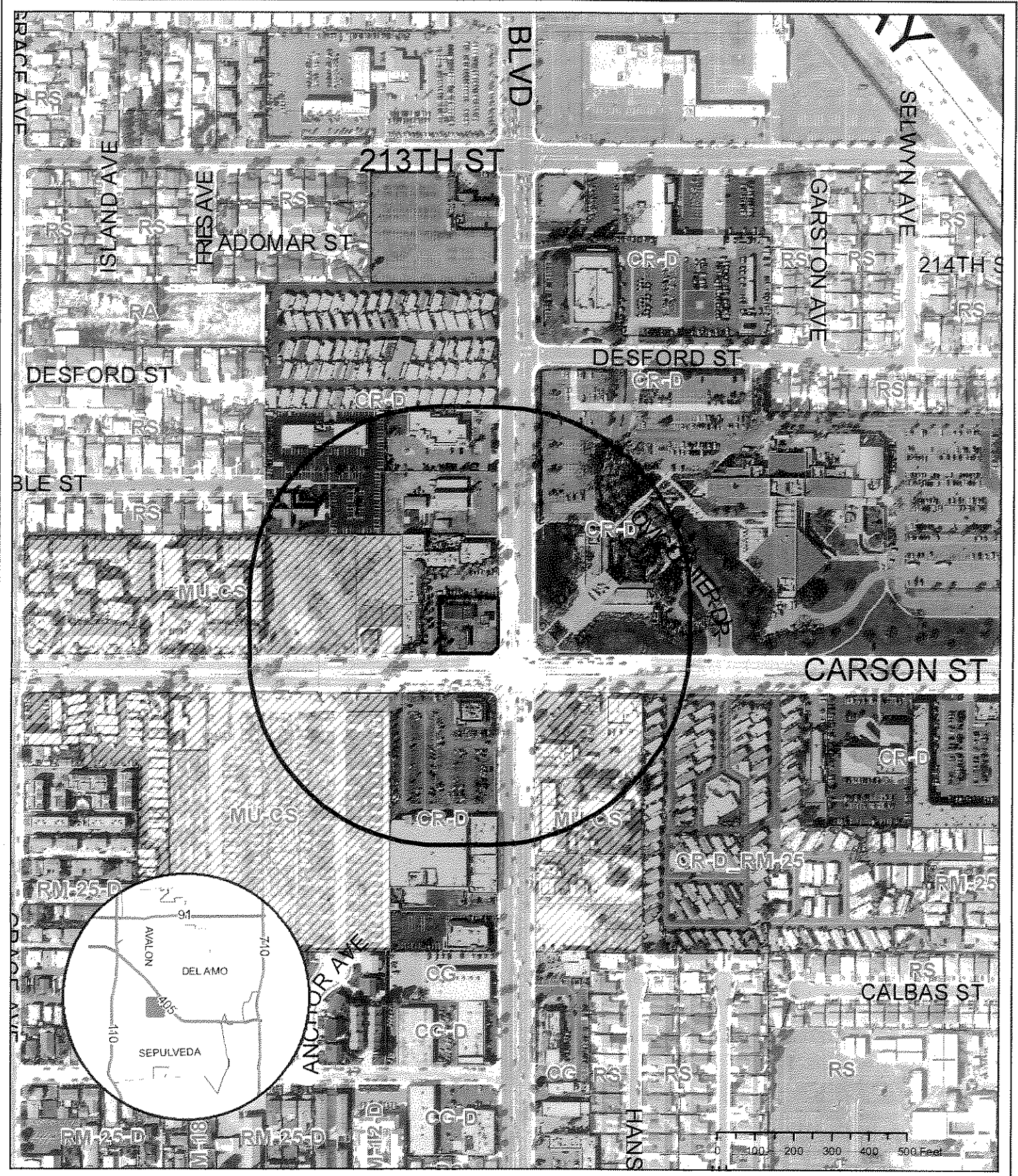


20. The owner/applicant shall re-slurry the front, rear and side parking lot areas and fill/repair any existing damage and repaint all parking spaces in compliance with CMC requirements.
21. The owner/applicant shall provide for public use storage tanks to hold used automotive oil for recycling purposes in accordance to industry "Best Management" practices. The Planning Division shall approve the location for company "used oil recycling" services.
22. The applicant shall dedicate a portion of land located on Carson Street and the corner of Carson Street and Avalon Boulevard to the city for ADA access and additional area for a future bus shelter. The applicant shall sign the easement agreement with the city's Engineering division within 10 days of approval.
23. 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. 848-10. 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.

BUSINESS LICENSE DEPARTMENT – CITY OF CARSON

24. 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
 655 E Carson Street

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