



CITY OF CARSON

PLANNING COMMISSION STAFF REPORT

PUBLIC HEARING: February 22, 2011

SUBJECT: Conditional Use Permit No. 747-09
Conditional Use Permit No. 832-10

APPLICANT: Mohammad Malek
(Circle R and Ace Fuel & Smog)
c/o: Patrick Brown, Representative
3590 East 8th Street
Long Beach, CA 90804

REQUEST: To approve two separate conditional use permits for auto service and convenience goods sales at a retail petroleum outlet located in the CG-D (Commercial, General Design Overlay) zoning district.

PROPERTY INVOLVED: 22309 South Main 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, Pat Brown on behalf of the business owner, Ace Fuels & Smog, is requesting approval of Conditional Use Permit No. 747-09 to authorize the existing vehicle service use (smog test) in a gasoline service station located within 100 feet of a residential area and a convenience store/mini market located within 300 feet of a high school. The subject property, Circle R Gasoline Service Station, is zoned CG-D (Commercial, General-Design Overlay District). The request includes:

Conditional Use Permit No. 747-09: Convenience goods sales at a retail petroleum outlet located within 300 feet of a school.

Conditional Use Permit No. 832-10: Vehicle service business (smog test) located within 100-feet of the residential.

II. Background

The subject property is located at the southwestern corner of Main Street and 223rd Street. The property is 34,249 square feet (0.78 acre) and zoned CG-D (Commercial, General-Design Overlay). Currently, there is one canopy structure and a 1,612-square-foot automobile service station building, which was constructed in 1968. Administrative Design Overlay Review was approved on January 1, 2009, for installation of a new clean air separator tank.

III. Analysis and Findings

The subject site is located adjacent to a three (3) story condominium complex located to the west, a mobile home park to the south, Carson High School across the street to the east, a Pizza Hut/Taco Bell restaurant to the north, and a Jack in the Box restaurant and shopping center catty-corner to the northeast. The zoning designations are consistent with the General Plan Land Use designations. An amendment to Section 9138.12 of the CMC, Automobile Service Station, was approved on November 3, 2007, requiring a conditional use permit (CUP) for the sale of convenience goods at an automobile service station located within 300 feet of a school.

On October 5, 2004, the Carson City Council passed Ordinance No. 04-1322, which requires a conditional use permit (CUP) for any vehicle service use located within one hundred (100) feet of a residential zone or within the CR (Commercial, Regional) zoning district.

The development plans include a remodel of existing automobile service bays and interior modifications. The exterior will be remodeled, and the existing roll-up doors for the automotive smog test area and the existing stone walls will be repainted. A total of 18 parking spaces are provided on site, including one space designated for the disabled. A 15-foot high pole sign is located at the corner of the property next to the intersection of Main Street and 223rd Street.

The applicant wishes to conduct the sale of convenience goods as a major component of the retail petroleum outlet with an area provided for automobile smog



test only. Currently, there is only one other known business that has approval for operating and selling convenience goods within 300 feet of any school and is located at 1025 East Carson Street.

A property inspection report for the retail petroleum outlet has been provided by the applicant. Following staff's review, it was determined there were no major findings for the site, with only four minor deficiencies noted:

- Two exterior outlets need weather-tight covers (safety issue);
- Common cracks observed at driveways and walkways;
- Several open slots at subpanels need to be capped off (safety issue); and
- Shut off valve at south side of building is broken, water must be shut off.

Findings: Conditional Use Permits

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. The Planning Commission is also authorized to permit an automotive smog test business and convenience store located within a retail petroleum outlet 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 CG-D and has a General Plan Land Use designation of General, Commercial, which is consistent with the zoning designation. The proposed uses are permitted within the zone with the requested entitlements.

- 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 34,249 square feet (0.78 acre), which exceeds the minimum lot area required for a retail petroleum outlet. The subject site is rectangularly shaped, flat, and located within a built and urbanized environment with adequate utilities to accommodate the proposed uses and development.

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

The subject property is located on Main Street, a major street, which 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 Main Street, and two driveways along 223rd Street.

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

The area is developed and adequate water supply is available.

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



The subject property is a commercially-zoned property and the proposed use is consistent with the intended character of the area.

- 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 a high school is appropriate for the subject site, as the use provides a convenience for passing vehicles and pedestrians in a safe and effective manner.

As such, staff supports the conditional use permit, as it provides a means of regulating convenience goods sales near schools. In this manner, potential health and safety impacts that convenience goods sales may have on minors may be considered on a case-by-case basis.

The proposed project is subject to the requirements in CMC Section 9138.02, Vehicle Service and Repair, and Section 9138.12, Automobile Service Station. 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 limitation 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 the adjacent property.

Comment Solicitation and Survey Responses

Staff believes no additional requirements or limitations are needed. The vehicle service facility is an existing use within an existing building. The facility will be upgraded with the approval of the conditional use permits and improved for circulation, aesthetics, safety and noise. In addition, the Planning Division will require additional review and approval of all façade improvements and sign permits prior to the issuance of any building permits to ensure compatibility with the intended character of the area. Auto service and repair uses have been operating on the site since 1968. Staff believes the existing building and use is compatible to the current and intended character of the area.

IV. Conclusion

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," Section 9138.2, "Vehicle Service and Repair" and Section 9138.12, "Automobile Service Station" can be made in the affirmative.



V. Environmental Review

Pursuant to Section 15301, Existing Facilities, of the California Environmental Quality Act (CEQA) Guidelines, the approval of conditional use permits for existing retail petroleum outlets with vehicle service facility and mini mart is exempt. The project does not have the potential to cause a significant effect on the environment.

VI. Recommendation

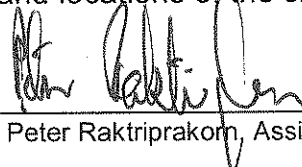
That the Planning Commission:

- **APPROVE** the Categorical Exemption;
- **APPROVE** Conditional Use Permit No. 747-09 and Conditional Use Permit No. 832-10, subject to the conditions of approval attached as Exhibit "B" to the Resolution;
- **WAIVE further reading** and **ADOPT** Resolution No._____, entitled, "A Resolution of the Planning Commission of the City of Carson approving Conditional Use Permit No. 747-09 to allow for the sale of convenience goods at an existing retail petroleum outlet within 300 feet of a high school, and Conditional Use Permit No 832-10 for a retail petroleum outlet with automotive smog test only located 100 feet from a residential area on a site zoned CG-D (Commercial, General – Design Overlay) located at 22309 South Main Street."

VII. Exhibits

1. Draft Resolution
2. Land-Use Map
3. Development Plans
4. Service station property inspection report
5. Photos and locations of the site

Prepared by:


Peter Raktripakorn, Assistant Planner

Reviewed by:


John F. Signo, AICP, Senior Planner

Approved by:


Sheri Repp, Planning Officer

CITY OF CARSON
PLANNING COMMISSION
RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON APPROVING CONDITIONAL USE PERMIT NO. 747-09 TO ALLOW FOR THE SALE OF CONVENIENCE GOODS AT AN AUTOMOBILE SERVICE STATION WITHIN 300 FEET OF A HIGH SCHOOL AND CONDITIONAL USE PERMIT NO. 832-10 TO ALLOW FOR VEHICLE SERVICE WITHIN 100 FEET OF A RESIDENTIAL ZONE ON A SITE LOCATED AT 22309 SOUTH 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, Patrick Brown, on behalf of the business owner, Ace Fuel & Smog, with respect to real property located at 22309 South Main Street, and described in Exhibit "A" attached hereto, requesting the approval of Conditional Use Permit No. 747-09 to authorize a retail petroleum outlet with convenience goods sales and Conditional Use Permit No. 832-10 to authorize the existing vehicle service and repair use (smog check) within a retail petroleum outlet in the CG-D (Commercial, General – Design Overlay) zoning district.

A public hearing was duly held on February 22, 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.

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 CG-D and has a General Plan Land Use designation of GC (General, Commercial), which is consistent with the zoning designation. The proposed uses are permitted within the zone with the requested entitlements. Surrounding uses include mobile home park to the south, and residential condominium complex the west, a high school to the east and a fast food restaurant to the north. The existing vehicle service (smog check) business adheres to the goal 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 CG-D zone, and the proposed convenience store use is compatible with the General Plan and surrounding uses.
- b) The proposed development includes the vehicle service (smog check) business and a convenience store located within a built and urbanized environment with adequate utilities to accommodate the existing use and development. Additional landscaping will be provided to meet the requirements of Section 9138.12(E). The proposed development 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) Adequate ingress and egress is accommodated on the site by virtue of two driveways along Main Street and two along 223rd Street. Pedestrians accessing the retail petroleum outlet from the public right-of-way would have a safe path of travel across the parking area.
- d) The signs are all colored and textured to match the stone veneer of the main building's front elevation. The signs feature the corporate icons for the branded gasoline to be sold onsite, and are located along the canopy fascia board, on the pole sign, and the monument sign. The use of high-end materials and limited numbers of colors contribute to an attractive, restrained, and effective graphic, color, and sign presentation.
- f) The subject property is 34,249 square feet in area (0.78 acre) and can adequately support the proposed use. The subject site is rectangular, flat, and located within a built and urbanized environment with adequate utilities to accommodate the proposed use and development.
- g) There is adequate water supply for fire protection.
- h) The proposed sale of convenience goods within 300 feet of Carson High School is appropriate for the subject site. The vehicle service (smog test) business within 100 feet of a residential zone is appropriate for the subject site and 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. The use will comply with the City's development standards for auto repair (smog test) facilities as outlined in Section 9138.2 of the CMC.

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 uses do 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 CEQA Guidelines, Section 15301(e) of the CEQA (California Environmental Quality Act) Guidelines.

Section 5. Based on the aforementioned findings, the Commission hereby approves Conditional Use Permit No. 747-09 to allow the sale of convenience goods at a retail petroleum outlet within 300 feet of a school and Conditional Use Permit No. 832-10 authorizing a vehicle service (smog test) business within 100 feet of a residential zone, 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 22nd DAY OF FEBRUARY, 2011.

CHAIRMAN

ATTEST:

SECRETARY

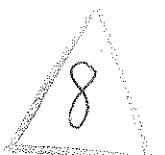


EXHIBIT "A"

LEGAL DESCRIPTION

PORTION OF LOT 73 IN THE CITY OF CARSON, AS SHOWN ON TRACT NO. 3612, FILED IN BOOK 40, PAGES 5 AND 6 OF PARCEL MAPS, IN THE OFFICE OF THE LOS ANGELES COUNTY RECORDER.

APN: 7341-014-028

MAP BOOK: 7341, PAGE 14, PARCEL 28

ADDRESS: 22309 S. MAIN STREET



CITY OF CARSON
DEVELOPMENT SERVICES
PLANNING DIVISION
EXHIBIT "B"
CONDITIONS OF APPROVAL
CONDITIONAL USE PERMIT NO. 747-09
CONDITIONAL USE PERMIT NO. 832-10

GENERAL CONDITIONS

1. If Conditional Use Permit No. 826-10 and Conditional Use Permit No. 832-10 are 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. 747-09 or Conditional Use Permit No. 832-10. 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;
- c. Crape myrtle trees or other appropriate tree as determined by the Planning Division shall be provided along all interior lot lines. The minimum number of trees shall be calculated at the ratio of one (1) tree per twenty five (25) linear feet of interior lot line. Minimum tree size shall be twenty-four inch (24) box; and
- d. 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 landscape planter along 223rd Street shall be widened to 10 feet subject to review and approval by the Planning Division.
- 18. The applicant shall comply with the provisions of Section 9168 of the Zoning Ordinance, "Water Efficient Landscaping."
- 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.

UTILITIES

- 20. All utilities and aboveground equipment shall be constructed and located pursuant to Section 9136.8 of the Zoning Ordinance, unless otherwise provided for in these conditions.
- 21. All utility meters shall be painted the same color as the structures to reduce visibility (the Gas Company will not allow meters to be placed in boxes).

PLANNING

- 22. 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.
- 23. The specification of all colors and materials must be submitted and approved by the Planning Division prior to the issuance of any building permits.
- 24. 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

25. Business signs and sign structures shall be permitted in conformance with development plans 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.
26. All permitted business signs must be in compliance with the provisions of Section 9136.7 of the Zoning Ordinance.
27. Advertising signs promoting cigarette sales that are visible from the public right-of-way are prohibited.
28. 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.
29. Banners inside the work bay areas shall not be permitted. Any banners shall comply with CMC Section 9136.7 C. (Streamers, banners, pennants).

FENCES/WALLS

30. 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

31. All exterior lighting shall be provided in compliance with the standards as provided for in Section 9137.1 (Commercial Zones) of the Zoning Ordinance.
32. 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.

PUBLIC SAFETY - CITY OF CARSON

33. Ensure compliance with current seismic mitigation codes.
34. 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.
35. 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.
36. 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

37. 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.

