



CITY OF CARSON

PLANNING COMMISSION STAFF REPORT

WORKSHOP: October 25, 2011
SUBJECT: Workshop on auto repair and service use
APPLICANT: City of Carson
REQUEST: Workshop to update the Planning Commission on auto repair and service businesses
PROPERTY INVOLVED: Citywide

COMMISSION ACTION

Concurred with staff
 Did not concur with staff
 Other

COMMISSIONERS' VOTE

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

Item No. 12A

I. **Introduction**

The purpose of this workshop is to update the Planning Commission regarding those existing, nonconforming businesses affected by Ordinance No. 04-1322 (Exhibit 1) which was passed by the City Council on October 5, 2004. As a result of the Ordinance, development standards were established for all auto repair and service uses within the CR (Commercial, Regional) zone, the MUR (Mixed Use Residential) overlay district, and properties in all zones within 100 feet of residential zones. Any new auto repair and/or service use in those affected areas would have to obtain a conditional use permit (CUP) prior to operation. However, vehicle repair and service businesses that were found to be lawfully established at the time of the Ordinance were allowed a 5-year amortization period to continue to operate without a CUP. Prior to November 19, 2009, all lawfully-established businesses affected by the Ordinance were required to obtain a CUP. As a courtesy to businesses, the city has accepted CUP applications from lawfully-established businesses after the amortization period.

II. **Background**

Workshops were conducted on May 12, 2009, and June 9, 2009, to seek direction from the Planning Commission regarding policy issues in order to provide the best guidance for applicants as the deadline for submitting CUP applications for the existing, nonconforming businesses was approaching. During that time, a few applications had been received and were being processed.

In the workshops, the existing, nonconforming businesses were separated by staff into four groups as follows:

1. CR Zone – characterized by large, single-tenant properties occupied by nationally recognized corporate names. There were five businesses in this group.
2. Carson Street, MU-CS (Mixed Use Carson Street) zone. There were eighteen businesses in this group.
3. Existing New Vehicle Dealerships. There were three businesses in this group.
4. Small business and/or family-owned and operated. There were thirty-five businesses in this group.

The separation into groups allowed for businesses with similar circumstances to be subject to similar policy and procedures applicable to their situation.

In the last workshop, the Planning Commission directed staff to provide a breakdown of four categories, grouping each business into a similar category and developing standards that specifically apply to each category; and to evaluate each group collectively as those CUP applications come forward.



III. **Analysis**

A total of 65 existing businesses were identified to be legal nonconforming and eligible for a CUP. Of the 65 businesses, 15 have closed, which has left a total of 50 businesses eligible for a CUP. To date, 47 CUP applications have been received and 39 have been approved. One application was denied and seven are currently being reviewed by staff. The remaining three businesses are pending relocation and/or code enforcement action. Table 1 summarizes legal nonconforming auto repair and service businesses.

**TABLE 1 – AUTO REPAIR AND SERVICE BUSINESSES
THAT REQUIRE A CONDITIONAL USE PERMIT**

Total businesses that require a CUP (as identified in 2009)	65
Businesses that have closed	15
Approved CUPs	39
Denied CUP	1
Pending CUPs	7
Businesses subject to relocation or code enforcement	3

As a result of applying applicable standards to the four groups, improvements such as monument signs replacing outdated pole signs and façade and property upgrades have been completed.

The same development standards also brought to realization businesses that were not compatible with their surrounding locations which resulted in businesses closing rather than applying for a CUP. Some were inappropriate for their location as they were not able to meet the minimum development standards and others likely closed due to the economy.

As the final applications are being processed, it is clear that circumstances exist where businesses may not be recommended for approval because of either inability or unwillingness to meet the development standards. Staff has found that some of the remaining businesses have illegal structures or are so far out of compliance that it is difficult to recommend approval. Notwithstanding the difficulties, staff is committed to working with business owners and property owners by establishing compliance schedules that allow businesses to continue to operate while saving capital for future improvements.

The Botach property located at 336-348 E. Carson Street is a good example. The business owners were allowed to continue operations provided that code deficiencies are corrected and certain improvements are provided within a given time frame. If the agreement is broken, the matter would be scheduled for Planning Commission for possible revocation of the CUPs and the businesses would have to cease operation. Other pending cases may require a compliance



schedule as a condition of approval to allow the businesses to continue while giving adequate time to correct violations and make improvements. The alternative would be to deny these businesses and have them cease operations.

Over the past two years, staff has observed improvements with these businesses. Although some improvements may be subtle, it is staff's opinion that the CUP process has been successful in making older auto repair businesses more conforming to the Code and with the surrounding neighborhood. At the workshop, staff will present before and after photos of the improvements businesses have made as a result of the CUP process.

IV. Conclusion

Implementation of the Ordinance and consistent application of policies have been effective in improving conditions at various auto repair businesses throughout the city. The CUP process has been successful at making older businesses that may have been dilapidated upgrade to better standards. It is staff's opinion that the individual improvements to these businesses have made an overall positive effect throughout the community.

V. Recommendation


That the Planning Commission:

- CONSIDER and DISCUSS the issues presented at the workshop;
- DISCUSS policy issues or other concerns; and
- RECEIVE and FILE.

VI. Exhibits

1. Ordinance No. 04-1322

Prepared by: 
Ina Lefeiloai, Code Compliance Specialist

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

Approved by: 
Sheri Repp Loadsman, Planning Officer



ORDINANCE NO. 04-1322

AN ORDINANCE OF THE CITY OF CARSON REGARDING VEHICLE REPAIR AND SERVICE WITHIN THE CR (COMMERCIAL, REGIONAL) ZONE, THE MUR (MIXED USE RESIDENTIAL) OVERLAY DISTRICT AND PROPERTIES IN ALL ZONES WITHIN 100 FEET OF RESIDENTIAL ZONES

THE CITY COUNCIL OF THE CITY OF CARSON DOES ORDAIN AS FOLLOWS:

Section 1. Code Amendment. Section 9131.1 (Uses Permitted) of Division 1 (Uses Permitted) of Part 3 (Commercial Zones) of Chapter 1 (Zoning) of Article IX (Planning and Zoning) of the Carson Municipal Code is hereby amended to read as follows:

"ZONES

CN CR CG CA

Repair of all vehicles up to 2-ton capacity (no boats):

Minor repair as defined in section 9138.11 and subject to the provisions of Section 9138.2 (See Section 9133)

C

L

Major repair as defined in Section 9138.11 and subject to the provisions of Section 9138.2 and Section 9138.15 (for CA zone only)* (See Section 9133)"

L

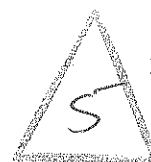
C

Section 2. Code Amendment. Section 9131.13 (Uses Permitted within a Mixed-Use Residential MUR Overlay District) of Division 1 (Uses Permitted) of Part 3 (Commercial Zones) of Chapter 1 (Zoning) of Article IX (Planning and Zoning) is hereby amended by adding paragraph E to read as follows:

"E. Vehicle repair and service is permitted for non mixed-use commercial/residential developments, subject to the approval of a Conditional Use Permit by the Planning Commission pursuant to Section 9172.21 and the requirements of Section 9138.2."

Section 3. Code Amendment. Section 9132.2 (Vehicle Sales and Service) of Division 2 (Accessory Uses) of Part 3 (Commercial Zones) of Chapter 1 (Zoning) of Article IX (Planning and Zoning) is hereby amended by modifying paragraphs 2, 3, 4 and 7 to read as follows:

"Minor repairs and services (as defined in Section 9138.11) are permitted with an automobile service station or automobile laundry other than a self-service automobile laundry. (See Section 9138.12 and 9138.13) and (Section 9133 for



CR zone, MUR Overlay District and properties in all zones within 100 feet of residential zones).

Minor repairs and services (as defined in Section 9138.11) incidental to the sale of new automobile parts, and including the installation of seat covers, are permitted with the sale of new automobile parts subject to the requirements of Section 9138.2. (See Section 9133 for CR zone, MUR Overlay District and properties in all zones within 100 feet of residential zones).

Major repairs and services (as defined in Section 9138.11), as well as minor repairs and services are permitted with motor vehicle sales, subject to the requirements of Section 9138.2 and 9138.15(c). (See Section 9133 for CR zone, MUR Overlay District and properties in all zones within 100 feet of residential zones).

Minor repairs and services (as defined in Section 9138.11(A)(4)) are permitted with a vehicle auction. (See Section 9133 for CR zone, MUR Overlay District and properties in all zones within 100 feet of residential zones)."

Section 4. Code Amendment. Section 9133 (Conditional Use Criteria) of Division 3 (Conditional Use Criteria) of Part 3 (Commercial Zones) of Chapter 1 (Zoning) of Article IX (Planning and Zoning) is hereby amended by adding a new paragraph to read as follows:

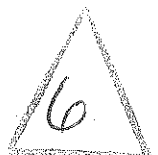
"Vehicle Repair and Service:

Compliance with the provisions of Section 9138.2."

Section 5. Code Amendment. Section 9138.12 (Automobile Service Stations) of Division 8 (Special Requirements for Certain Uses) of Part 3 (Commercial Zones) of Chapter 1 (Zoning) of Article IX (Planning and Zoning) is hereby amended by modifying paragraph 5 to read as follows:

"A(5). Minor repair and service of automobiles and other motor vehicles, except in CA zone (these uses not permitted within an Automobile Service Station). (See Section 9133 for CR zone, MUR Overlay District and properties in all zones within 100 feet of residential zones)."

Section 6. Code Amendment. Section 9138.21 (Vehicle Auctions) of Division 8 (Special Requirements for Certain Uses) of Part 3 (Commercial Zones) of Chapter 1 (Zoning) of Article IX (Planning and Zoning) is hereby amended by modifying paragraph



4 to read as follows:

"4. Vehicle service and repair may be permitted as an accessory use, subject to Section 9132.2 of this Chapter (See Section 9133 for CR zone, MUR Overlay District and properties in all zones within 100 feet of residential zones)."

Section 7. Code Amendment. Section 9138.2 (Vehicle Service and Repair) of Division 8 (Special Requirements for Certain Uses) of Part 3 (Commercial Zones) of Chapter 1 (Zoning) of Article IX (Planning and Zoning) is hereby amended by numbering existing paragraphs and adding paragraphs 1 and 8-17 to read as follows:

"The servicing and repair of motor vehicles in the commercial zones at establishments other than retail petroleum outlets* shall be subject to the following:

1. Vehicle repair and service located within 100 feet of any residential zone, as measured from lot line to lot line, shall be subject to the approval of a Conditional Use Permit by the Planning Commission pursuant to Section 9172.21. Within the CR (Commercial, Regional) zone and MUR (Mixed-Use Residential) Overlay District, a Conditional Use Permit is required regardless of the 100 foot distance requirement.
2. All operations shall be conducted within an enclosed building.
3. All areas or structures in which such operations are conducted shall be so located or soundproofed as to prevent annoyance or detriment to surrounding property. In no case shall doors or windows be permitted in any wall within 100 feet of and facing a residential zone.
4. 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.
5. All repair activities shall be confined to the hours between 7:00 a.m. to 9:00 p.m. daily.
6. No damaged or wrecked vehicles shall be stored for purposes other than repair and shall not constitute a vehicle wrecking, dismantling, or impounding yard, or junk or salvage yard.
7. Dismantling of vehicles for purposes other than repair is prohibited.
8. 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 72 hours. Vending machines shall be placed indoors.

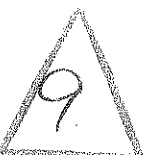
9. The entire ground area of the site, except building and planting areas, shall be paved with asphaltic compound or concrete to City standards and shall comply with the Standard Urban Stormwater Mitigation Plan (SUSMP) requirements as stated in Article V Sanitation & Health, Chapter 8 Stormwater & Urban Runoff Pollution Control section of the Carson Municipal Code.
10. Design a repair/maintenance bay drainage system to capture all washwater, leaks and spills. Connect drains to sump for collection and disposal or connect to clarifier then sanitary sewer.
11. That development and architectural plans indicating compliance with the provisions of this section and embodying acceptable design standards shall be submitted for approval by the Planning Division and made a condition of an approved Conditional Use Permit.
12. All entrances to rest rooms shall be located within the building in such a manner as not to be visible from adjacent property.
13. Parking shall be provided as follows:
 - a. One automobile parking space shall be provided for each employee on the largest shift.
 - b. Two parking spaces shall be provided for each service bay.
 - c. Spaces are to be striped and provided, as deemed necessary, with bumper guards or wheel stops approved by the Planning Division.
 - d. Vehicles may only be parked in designated parking spaces.
 - e. Parking for all other uses shall comply with Section 9162.21.
14. That landscaping shall be provided as follows:
 - a. Landscaped planters shall be provided along the full length of building facades facing streets or public parking areas.
 - b. All landscaped areas shall be protected by a curb not less than 6 inches in height or a raised planter wall between the landscaping and paved areas.
 - c. Landscaped planters not less than three feet in width shall be provided along all interior lot lines.
 - d. Landscaping shall consist of trees of at least 24-inch box, shrubs of at

least five gallon size, and suitable ground cover.

- e. All landscaped areas shall be properly maintained in a neat, orderly and safe manner. Such landscaping and maintenance shall include, but not be limited to, the installation and use of an irrigation system, permanently and completely installed, which delivers water directly to all landscaped areas.
15. A solid decorative masonry wall or wrought iron fencing with appropriate landscaping or other such appropriate screening material to the discretion of the Director, six feet in height shall be installed and maintained along interior property lines not occupied by a building, except that any screening located within the required front setback area shall not exceed 3 ½ feet in height.
16. 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 Section 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.
17. Signage shall be of appropriate design as approved pursuant to the Site Plan and Design Review procedures (including number of signs and sign structures to be permitted) as provided in Section 9172.23."

Section 8. Code Amendment. Paragraph (C) of Section 9162.21 (Parking Spaces Required) of Division 2 (Vehicular Parking, Loading and Maneuvering Areas) of Part 6 (General Development Standards) of Chapter 1 (Zoning) of Article IX (Planning and Zoning) is hereby amended by adding a new sub-paragraph (13) to read as follows:

Use	Off-Street Parking Required
"13. Vehicle Repair and Service	1 parking space shall be provided for each employee on the largest shift, plus 2 parking spaces shall be provided for each service bay. Parking for all other uses shall comply with Section 9162.21. "



Section 9. Code Amendment. Section 9182.22 (Termination of Existing Nonconforming Uses) of Division 2 (Nonconformities) of Part 8 (Implementing Provisions) of Chapter 1 (Zoning) of Article IX (Planning and Zoning) is hereby amended by adding the following language to the table in Paragraph A to read as follows:

Use	Allowable Life
"Vehicle Repair and Service located within the CR (Commercial, Residential) zone, the Mixed-Use Residential (MUR) Overlay District and properties in all zones within 100 feet of residential zones, subject to Section 9182.26	5 years"

Section 10. Code Amendment. Section 9182.26 (Continuation of Vehicle Repair and Service) of Division 2 (Nonconformities) of Part 8 (Implementing Provisions) of Chapter 1 (Zoning) of Article IX (Planning and Zoning) is hereby created to read as follows:

"A. Existing lawfully established vehicle repair and service uses located within the CR (Commercial, Regional), MUR (Mixed-Use Residential) Overlay District and all zones within 100 feet of residential zones shall obtain a Conditional Use Permit by the Planning Commission pursuant to Section 9172.21. An application for a Conditional Use Permit shall be submitted within a 5-year period of the effective date of this ordinance or prior to the termination of the amortization period, whichever provides the greater amount of time.

When approving a Conditional Use Permit, the Commission shall make findings regarding the adequacy of on-site parking and applicable development standards contained in Section 9138.2. The Commission shall require, as a condition precedent to the continued use of the property under the Conditional Use Permit, that a report be submitted by the applicant, which shall provide and include plans to eliminate or mitigate any Building, Plumbing Electrical and Fire Code deficiencies. The Commission may require additional improvements to the property, or any buildings or structures thereon, which may include but are not limited to the following:

1. New or rehabilitated landscaping;



2. Exterior changes to promote compatibility of buildings and structures with surrounding development;
3. General repairs to vehicular maneuvering or parking areas;
4. Modifications designed to bring a structure more nearly into compliance with the applicable standards for commercial uses.

This section shall not validate any existing illegal vehicle repair and service facilities.”


Section 11. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance or any part thereof is for any reason held to be unconstitutional or contrary to state law, such decision shall not affect the validity of the remaining portion of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsection, subdivision, paragraph, sentence, clause or phrase be declared unconstitutional or contrary to state law.

PASSED, APPROVED and ADOPTED this 5th day of October, 2004.

ATTEST:



CITY CLERK



MAYOR

APPROVED AS TO FORM:



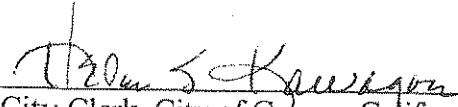
CITY ATTORNEY



STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss.
CITY OF CARSON)

I, Helen S. Kawagoe, City Clerk of the City of Carson, California, do hereby certify that the whole number of members of the City Council of said City is four; that the foregoing ordinance, being Ordinance No. 04-1322 passed first reading on September 21, 2004, was duly and regularly adopted by the City Council of said City at a regular meeting of said Council, duly and regularly held on the 5th day of October, 2004, and that the same was passed and adopted by the following roll call vote:

AYES: COUNCIL MEMBERS: Mayor Dear, Calas, Santarina, and Ruiz-Raber
NOES: COUNCIL MEMBERS: None
ABSTAIN: COUNCIL MEMBERS: None
ABSENT: COUNCIL MEMBERS: None



City Clerk, City of Carson, California

