



CITY OF CARSON

PLANNING COMMISSION STAFF REPORT

NEW BUSINESS CONSENT: November 8, 2011

SUBJECT: Extension of Time for Conditional Use Permit No. 825-10

APPLICANT/OWNER: Vince Zankich
3410 Starline Drive
Rancho Palos Verdes, CA 90275

REQUEST: A one-year time extension for Conditional Use Permit No. 825-10 authorizing an auto repair use on a site located in the CG (Commercial, General) zoning district, within 100 feet of a residential use, and within the Carson Consolidated Redevelopment Project Area.

PROPERTY INVOLVED: 1209 E. Carson Street

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			

I. Introduction

The applicant is requesting a one-year time extension for Conditional Use Permit (CUP) No. 825-10, pursuant to Condition No. 1 of City Council Resolution No. 10-110 (Exhibit No. 1). The property is located at 1209 E. Carson Street, zoned CG-D (Commercial, General – Design Overlay) and within the Carson Consolidated Redevelopment Project Area.

II. Background

On August 10, 2010, the Planning Commission adopted Resolution No. 10-2333 approving Conditional Use Permit No. 825-10 and denying Variance (VAR) No. 517-10, a request to authorize less than the required front yard landscape setback area. An appeal of Planning Commission Resolution No. 10-2333 was filed on August 24, 2010 by Mayor Jim Dear on behalf of the property owner Vince Zankich. On November 3, 2010; the City Council adopted Resolution No. 10-110 affirming the decision of the Planning Commission to approve CUP No. 825-10 and deny VAR No. 517-10. The applicant submitted a request for an extension of time on October 21, 2011, prior to the CUP expiration date of November 3, 2010.

III. Analysis

Due to the current state of the economy and market conditions for auto repair businesses in general, the applicant is finding it difficult to lease the property. Thus, the applicant is requesting that the Planning Commission extend the CUP for one year until November 3, 2012, to facilitate potential lease opportunities (Exhibit No. 2).

IV. Recommendation

That the Planning Commission:

- **APPROVE** the extension of time for Conditional Use Permit No. 825-10 until November 3, 2012;
- **ADOPT** a minute resolution extending the approval to November 3, 2012.

V. Exhibits

1. City Council Resolution No. 10-110 adopted on November 3, 2010.
2. Letter from Applicant Requesting Extension of Time, Dated October 21, 2011.

Prepared by: _____

Steven C. Newberg, AICP, Associate Planner

Reviewed and Approved by: _____

John F. Signo, AICP, Senior Planner



RESOLUTION NO. 10-110

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA AFFIRMING THE DECISION OF THE PLANNING COMMISSION APPROVING CONDITIONAL USE PERMIT NO. 825-10 AND DENYING VARIANCE NO. 517-10

THE CITY COUNCIL OF THE CITY OF CARSON HEREBY FINDS, RESOLVES, AND ORDERS AS FOLLOWS:

Section 1. On August 10, 2010, the Planning Commission adopted Resolution No. 10-2333 on a 8-0 vote (one absent) approving a Conditional Use Permit (CUP) No. 825-10 for a proposed auto repair use located at 1209 E. Carson Street, and denying Variance No. 517-10 to deviate from the required landscape setback for the property area fronting a public right-of-way.

Section 2. On August 24, 2010, an appeal was filed by Mayor Dear on behalf of the property owner Vincent Zankich, pursuant to the requirements of Carson Municipal Code (CMC) Section 9173.4.

Section 3. Public hearings were duly held on October 19, 2010, and November 3, 2010 at Carson City Hall, Council Chambers, 701 East Carson Street, Carson, California. A notice of the time, place, and purpose of the aforesaid meetings was duly given. Evidence, both written and oral, was duly presented to and considered by the City Council at the said hearing.

Section 4. The City Council hereby finds that:

- a) The General Plan designates the property as General Commercial which is compatible with the proposed use. The auto repair use will be consistent with the surrounding uses and is appropriate for the subject property.
- b) The project is compatible in design with existing and anticipated development in the vicinity, including the aspects of site planning, land coverage, landscaping, appearance and scale of structures, open spaces, and other features relative to a harmonious and attractive development of the area.
- c) The circulation and street parking on the adjacent public streets will not be adversely impacted since there is adequate vehicular circulation and parking spaces provided for the proposed auto repair use. Safety and convenience of vehicular and pedestrian access is provided.
- d) The proposed auto repair use meets the goals and objectives of the General Plan and is consistent with applicable zoning and design regulations.
- e) The subject property is adequate in size, shape, topography, location, utilities, and other factors to accommodate the proposed auto repair use. The surrounding land uses are primarily general commercial and high-density residential uses with

[MORE]

EXHIBIT NO. 1



which the proposed project is compatible. The site is 0.34 acres, relatively flat, and is located in a commercial zone.

- f) There are no special circumstances which pertain specifically to the subject property including size, shape, topography, location or surroundings, for which the strict application of the zoning code would work to deprive such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.
- g) The subject site is 15,000 square feet in area. The minimum lot size for the Commercial General zone is 5,000 square feet. The subject property is three times the minimum lot size. There is adequate space on the property to provide code-compliant landscape setbacks, pursuant to CMC Section 9162.52(B)(1).
- h) The subject site is a corner lot in a commercial zone with adequate visibility to passing motorists and potential customers. The subject property provides approximately 210 linear feet of street frontage along Carson Street and Perry Street combined. The minimum amount of street frontage required for CG-zoned lots is 50 feet. The subject site provides four times the minimum lot width required by CMC Section 9135.4. There is a driveway along the eastern side of the property which provides convenient access for customers and facilitates proper queueing for service bay access.
- i) Installation of landscaping along the streets would not be detrimental to the proposed use and would allow for adequate parking and circulation on the property. Furthermore, approval of the variance request would be a special privilege not enjoyed by other properties in the area and under the same zoning designation.

Section 5. Based on the aforementioned findings, the City Council hereby the Commission hereby affirms the Planning Commission decision set forth in Resolution No. 10-2333 which grants Conditional Use Permit No. 825-10, with respect to the property described in Exhibit "A" attached herewith, and subject to the conditions set forth in Exhibit "B" attached hereto; and denies Variance No. 517-10.

Section 6. The City Clerk shall certify to the adoption of the Resolution.



PASSED, APPROVED and ADOPTED this 3rd day of November, 2010.



Mayor Jim Dear

ATTEST:



City Clerk Helen S. Kawagoe

APPROVED AS TO FORM:

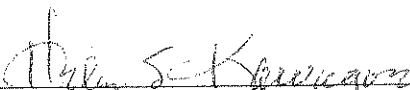


City Attorney

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 is five; that the foregoing resolution, being Resolution No. 10-110 was duly and regularly adopted by said Council at an adjourned regular meeting duly and regularly held on the 3rd day of November, 2010, and that the same was passed and adopted by the following vote:

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



City Clerk Helen S. Kawagoe



CITY OF CARSON

CITY COUNCIL

EXHIBIT "A"

LEGAL DESCRIPTION

CONDITIONAL USE PERMIT NO. 825-10; VARIANCE NO. 517-10

Property Address: 1209 E. Carson Street

Parcel Identification Number: 7327-005-015

That Portion of Lot 33 of Tract No 4045, in the City of Carson, County of Los Angeles, State of California as per Map recorded in Book 44, Pages 39-41 of Maps, in the Office of the County Recorder of Said County.

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CITY OF CARSON

CITY COUNCIL

EXHIBIT "B"

CONDITIONS OF APPROVAL

CONDITIONAL USE PERMIT NO. 825-10

GENERAL CONDITIONS

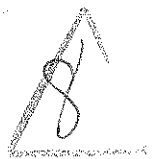
1. If a business license permit for said use is not issued within one year of the date of approval of Conditional Use Permit No. 825-10, said permit shall be declared null and void unless an extension of time is requested prior to expiration and approved by the Planning Commission.
2. Upon activation, the Conditional Use Permit shall become automatically null and void if said use has been suspended or has ceased to exist for a period of one year, unless an extension of time is requested prior to expiration and approved by the Planning Commission.
3. The approved Resolution, including the Conditions of Approval contained herein, and signed Affidavit of Acceptance, shall be copied in their entirety and placed directly onto a separate plan sheet behind the cover sheet of the development plans prior to Building and Safety plan check submittal. Said copies shall be included in all development plan submittals, including any revisions and the final working drawings.
4. The applicant shall comply with all city, county, state and federal regulations applicable to this project.
5. The applicant shall make any necessary site plan and design revisions to the site plan and elevations approved by the Planning Commission in order to comply with all the conditions of approval and applicable Zoning Ordinance provisions. Substantial revisions will require review and approval by the Planning Commission. Any minor revisions shall be reviewed and approved by the Planning Division prior to Building and Safety plan check submittal.
6. The applicant and property owner shall sign an Affidavit of Acceptance form and submit the document to the Planning Division within 30 days of receipt of the Planning Commission Resolution.
7. It is further made a condition of this approval that if any condition is violated or if any law, statute ordinance is violated, this permit may be revoked by the Planning Commission or City Council, as may be applicable; provided the applicant has been given written notice to cease such violation and has failed to do so for a period of thirty days.

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8. The applicant shall submit two complete sets of plans that conform to all the Conditions of Approval to be reviewed and approved by the Planning Division prior to the issuance of a building permit.
9. In accordance with Ordinance No. 04-1322, the owner/applicant shall provide a building inspection report which includes plans to eliminate or mitigate any building, plumbing, electrical and fire code deficiencies that may exist on the subject commercial building located at 1209 E. Carson Street. All recommendations identified in the report shall be completed within 90 days of approval of this Conditional Use Permit. The applicant shall notify the Planning Division once the improvements are complete for compliance with this condition.
10. The owner/applicant shall repair cracked concrete parking areas and re-paint all parking spaces in compliance with CMC requirements.
11. The owner/applicant shall comply with the Standard Urban Storm Water Plan (SUSUMP) requirements. Owner/applicant shall coordinate with the city's Development Services Department, Public Works Division.
12. The owner/applicant shall provide for public use above ground storage tanks to hold used automotive oil for recycling purposes in accordance to industry "Best Management" practices and in compliance with the State Department of Conservation/Cal-Recycle program. The Planning Division shall approve the location and signage for company "used oil recycling" services.
13. The applicant/owner shall submit a landscape and irrigation plan prior to the issuance of a building permit (or within 90 days of CUP approval if no building permit is needed) identifying the planting of box-specimen trees and evergreen ground-cover along the code-compliant 10-foot wide landscaped frontage along Carson Street and Perry Street, subject to Planning Division review and approval. The new trees and shrubs shall be maintained by an automatic drip irrigation system. Failure to maintain landscaping will result in Code Enforcement action against the property owner.
14. 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. 825-10 and Variance No. 517-10. 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 or pay the City's associated legal costs or will advance funds to pay for defense of the matter by the City Attorney. The City will cooperate fully in the defense. Notwithstanding the foregoing, the City retains the right to settle or abandon the matter without the Applicant's consent but should it do so, the City shall waive the indemnification herein, except, the City's decision to settle or abandon a matter following an adverse judgment or failure to appeal, shall not cause a waiver of the indemnification rights herein.

[MORE]



ENGINEERING SERVICES DEPARTMENT - CITY OF CARSON

15. 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

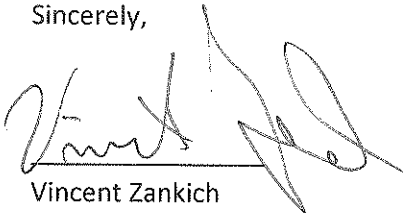
16. Per section 6310 of the Carson Municipal Code, all parties involved in the project, including but not limited to contractors and subcontractors, will need to obtain a City Business License.



To Planning Division Staff:

I am writing this to request an extension of time for Conditional Use Permit No. 852-10, approved November 3, 2010 by City Council Resolution No. 10-110. The current permit expires November 3, 2011. Given the current market conditions and economic situation I'm finding difficult to lease the property. With an additional year of entitlement until November 3, 2012, I will have better opportunities to find a new tenant.

Sincerely,



Vincent Zankich

310-833-6319

310-612-3696 (cell)

10-17-11

EXHIBIT No. 2

