



# CITY OF CARSON

## PLANNING COMMISSION STAFF REPORT

**PUBLIC HEARING:** December 13, 2011

**SUBJECT:** Conditional Use Permit No. 797-10

**APPLICANT:** Joseph Gan  
22020 Callahan Place  
Carson, CA 90745

**REQUEST:** Conditional Use Permit approval to facilitate continued auto repair use for a business on a dual-zoned lot in the ML-D/RS (Manufacturing, Light -Design Overlay/ Residential, Single-family) zoning district and within the Carson Consolidated Redevelopment Project Area.

**PROPERTY INVOLVED:** 20840 S. Main 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			

***Item No. 11D***

## I. Introduction

The applicant, Gan's Automotive Repair, represented by the property owner Joseph Gan, submitted an application for Conditional Use Permit No. 797-10 on March 10, 2010. The permit request is to authorize the proposed continuation of an existing automotive repair use. Pursuant to Sections 9138.2 and 9182.22 of the Carson Municipal Code (CMC), which were amended in 2004, a conditional use permit is required by November 4, 2009 for any legal nonconforming vehicle service and repair use located within 100 feet of any residential zone. Conditional Use Permit NO. 797-10 would fulfill that requirement making the use conforming to the CMC.

## II. Background

### *Previous Uses and Current Use of Property*

Building permit records show that the property was originally developed with a two-bedroom, one-bath, 231-square-foot single family home in 1937 with subsequent additions permitted in 1938 resulting in the existing 454-square-foot residence. A 920-square-foot boat building shop, as described in a building permit dated 1948, appears to have been constructed between 1938 and 1948, but was deemed in the 1948 permit as "appearing abandoned". Chronologically, the next permit on file is from 1961 to change the occupancy of the boat building and sales shop to an "auto repair garage" with two drive-in repair bays. The occupancy clearance effectuated a building permit authorization for the repair building. Thus, the auto repair use and the building originated and were approved in 1961. The auto repair and smog check station use maintains current business licenses with the city as well as current required state certifications.

### *Public Safety Issues*

There are unpermitted storage and canopy structures currently on the property, as well as an existing non-conforming residential use. See *Issues of Concern* for a detailed discussion and proposed mitigation measures.

### *Ordinance No. 04-1322*

On October 5, 2004, City Council passed Ordinance No. 04-1322, which requires a conditional use permit (CUP) for any auto repair use located within 100 feet of a residential zone. A CUP can only be approved by the Planning Commission if certain findings can be made, including providing adequate onsite parking and meeting applicable development standards contained in Section 9138.2. 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; and
4. Modifications designed to bring a structure more nearly into compliance with the applicable standards for commercial uses.



### III. Analysis

#### *Location/Site Characteristics/Existing Development*

A motorcycle repair shop use (CUP No. 774-09 approved by Planning Commission Resolution No. 10-2338) is located north of the subject property. South of the subject property is an automobile storage yard. To the west, across Main Street is the Super K-Mart shopping center. The lot area is approximately 11,154 square feet (0.26 acre). The existing building is developed with three parking spaces and a trash enclosure on the southwest corner of the property.

#### *Zoning/General Plan/Redevelopment Area Designation*

The subject property is dual-zoned ML-D/RS (Manufacturing, Light - Design Overlay/ Residential, Single-family). The properties to the north and south are zoned the same. The east side of the property is zoned RS and west side is ML-D. The auto repair use facility is located entirely on the property area zoned ML-D, with some of the east side (RS-zoned) area occupied by vehicles awaiting repair. The properties to the west are governed by Specific Plan No. 3. The subject property has a General Plan Land Use designation of Light Industrial.

Automotive repair and smog check services are provided Monday through Friday, 8:00 a.m. to 5:00 p.m., and 8:00 a.m. until Noon on most Saturdays. The site provides oil recycling service for the public in compliance with the State Conservation Department/Cal-Recycle Program.

As required by Ordinance No. 04-1322, the applicant submitted a building inspection report in May 2010. The report identified sub-standard conditions related to the roof, driveway cracks, peeling paint/water stains, and some basic maintenance issues. Conditions of approval have been included in the attached draft resolution which requires the applicant to address such deficiencies and to make repairs accordingly.

#### *Applicable Zoning Ordinance Regulations*

The proposed CUP is subject to the approval of a development plan in accordance with the Conditional Use Permit (CUP) procedures as provided in Section 9172.21 and subject to CMC Section 9138.2 (Vehicle Service and Repair).

#### *Required Findings: Conditional Use Permit*

Pursuant to Section 9172.21(D), Conditional Use Permit, the Planning Commission may approve the proposal only if the following findings can be made in the affirmative:

1. The proposed use and development will be consistent with the General Plan.
2. The site is adequate in size, shape, topography, location, utilities and other factors to accommodate the proposed use and development.
3. There will be adequate street access and traffic capacity.
4. There will be adequate water supply for fire protection.
5. The proposed use and development will be compatible with the intended character of the area.

All of the required findings pursuant to Section 9172.21(D) can be made in the affirmative. Details can be found in the attached Resolution.

*Issues of Concern:*

The following *Issues of Concern* address and provide mitigation for certain aspects of the existing auto repair use which are not in compliance with applicable zoning codes. Where feasible, conditions of approval have been added to Exhibit "B" of the attached Resolution which provides for an acceptable level of mitigation, or requires demolition in order to comply:

*Issue of Concern: Unpermitted Structures:* There is an approximately 720-square-foot wooden carport structure currently used for material and automobile storage. It has no doors and lacks an exterior finish (stucco, paint, etc.). There is also a large canopy structure which connects the original residence with the auto repair building. The canopy provides a shaded and sheltered area under which the applicant conducts part of the auto repair use. Both the canopy and carport structures were constructed without benefit of proper building permit authorization. The lack of adequate foundations and footings for both structures, their lack of finish materials, and overall poor quality of their construction corroborate this fact.

**Mitigation:** Staff has included a condition of approval which requires that these unpermitted structures be removed with proper demolition permits within 60 days of CUP approval.

*Issue of Concern: Non-conforming Residential Use:* The existing original residential use is subject to immediate abatement, pursuant to CMC Section 9182.22(B). Using the most liberal allowable life timeline in this section, the structure is given 30 years from the date of non-conformance until it must be abated, or when the last major building permit was issued for the structure. The last building permit was issued in 1948. Assuming a zone change date of 1977, the year the city adopted the CMC, the residential use on the property was legal, non-conforming and has been subject to abatement since 2007.

**Mitigation:** Staff has discussed this issue with the applicant during meetings and field visits on the subject site. The applicant had informed his tenant that the residential use was to be vacated which it now is. The applicant intends to convert the residential structure to a storage or office use, whichever is more economically justifiable according to requirements and fees imposed by the Building and Safety Division. Either way, a condition of approval has been added which requires that a building permit or change of occupancy permit be obtained for this structure within 90 days of CUP approval.

*Issue of Concern: Aesthetics -- Façade Upgrades, and Landscaping:* 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 surrounding properties. During the course of review and site visits,



staff has identified aspects of the buildings and areas of the property which have been deemed inconsistent with the intent of the auto repair ordinance, or not in compliance with CMC. This includes parking areas, building façade improvements (paint, signs, and roofing), general maintenance, trash area, fencing/walls, and landscaping.

**Mitigation:** The owner plans to re-slurry and restripe the front parking area and a portion of the east side of the property in place of the demolished carport structure. All broken and/or cracked cement driveway areas will be replaced with concrete in compliance with Public Works Division standards. Staff recommends a new five-foot wide landscaping area in the front yard setback along the west side of the property, and an additional landscape area on the southwest corner of the property. There is an existing six-foot high wrought-iron fencing along the entrance of the property, including a sliding portion to cover the driveway approach. Staff also recommends that additional wrought-iron be placed along the north property line which separates the subject property's parking area from the parking lot on the property adjacent to the north. Conditions of approval have been included in the attached draft Resolution which include these requirements with appropriate performance timelines ranging from 60 days to 180 days, given the applicant's current ability to finance such improvements.

#### IV. Environmental Review

Pursuant to Section 15301(e), Existing Facilities, of the California Environmental Quality Act (CEQA), the continued auto repair use does not have the potential to cause a significant effect on the environment and is found to be exempt.

#### V. Recommendation

That the Planning Commission:

- **WAIVE** further reading;
- **ADOPT** Resolution No. \_\_\_\_\_, entitled "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON APPROVING CONDITIONAL USE PERMIT NO. 797-10 FOR A CONTINUED AUTO REPAIR USE LOCATED AT 20840 S. MAIN STREET."

#### VI. Exhibits

1. Land Use Map
2. Draft Resolution for Conditional Use Permit No. 797-10
3. Development Plans

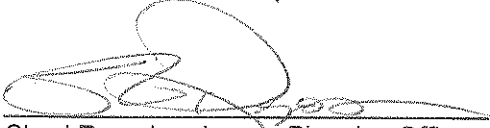
Prepared by:

  
Steven C. Newberg, AICP, Associate Planner

Reviewed by:

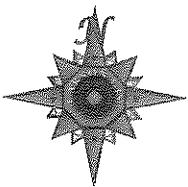
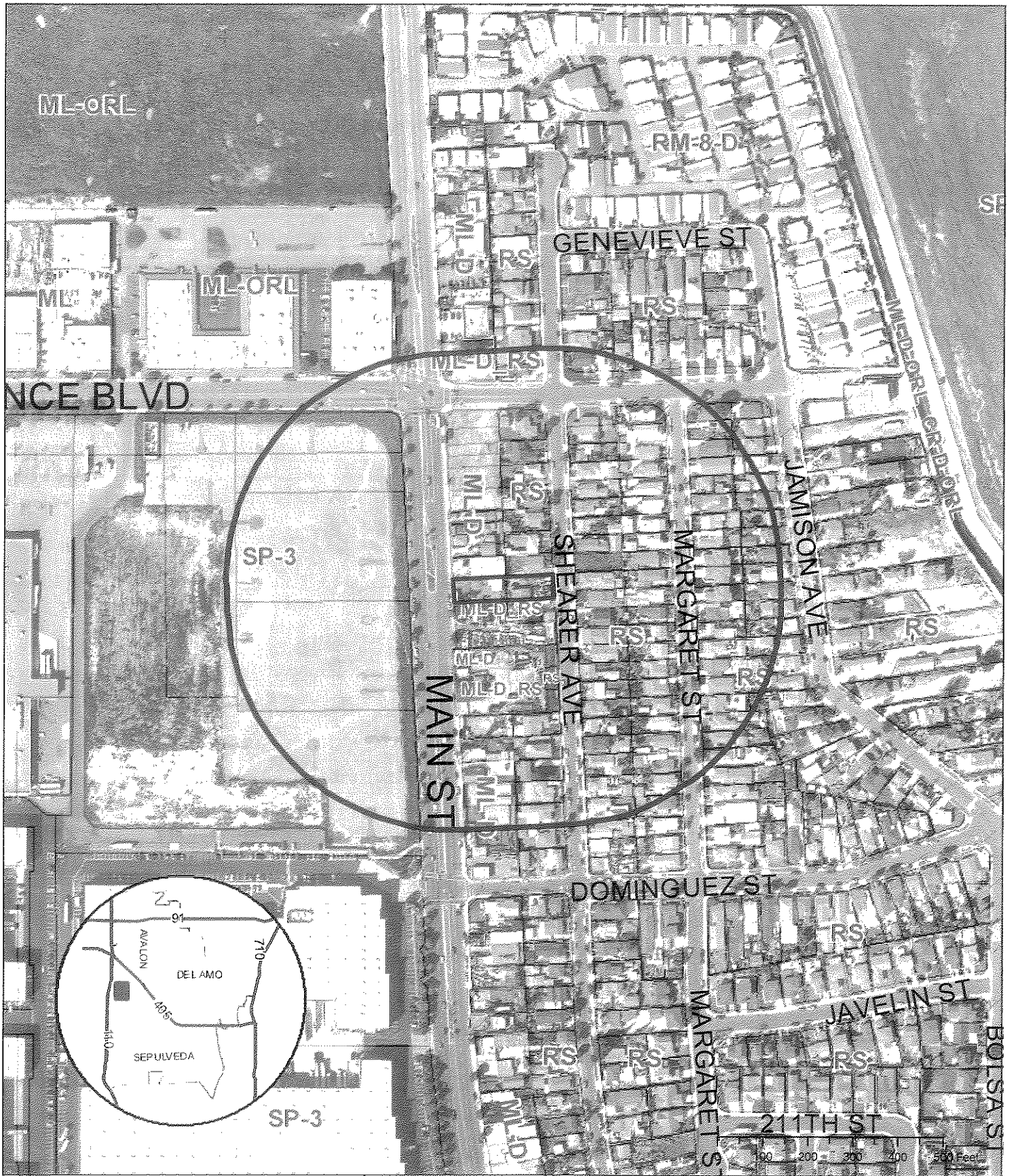
  
John F. Signo, AICP, Senior Planner

Approved by:

  
Sheri Repp Loadsman, Planning Officer

SCN: c797p





City of Carson  
 500 Foot Radius Map  
 20840 Main Street

EXHIBIT NO. 1-



*EXHIBIT NO. 1*

**CITY OF CARSON**  
**PLANNING COMMISSION**  
**RESOLUTION NO. 11-**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE  
CITY OF CARSON APPROVING CONDITIONAL USE PERMIT  
NO. 797-10 FOR A CONTINUED AUTO REPAIR USE LOCATED  
AT 20840 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, Gan's Automotive Repair, with respect to real property located at 20840 S. Main Street, and described in Exhibit "A" attached hereto, requesting the approval of a Conditional Use Permit No. 797-10 to authorize an existing auto repair use in an ML-D/RS (Manufacturing, Light – Design Overlay, Residential, Single-family) zoning district. Pursuant to Sections 9138.2 and 9182.22 of the CMC, a conditional use permit is required for any vehicle service and repair use located within 100 feet of a residential zone district.

A public hearing was duly held on December 13, 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 General Plan designates the property as Light Industrial which is compatible with the proposed use.
- 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 site is adequate in size, shape, topography, location, utilities, and other factors to accommodate the proposed auto repair use. The surrounding land uses are primarily light industrial and single-family residential uses with which the proposed project is compatible. The site is 0.26 acre, relatively flat, and is located in a dual-zoned circumstance with the west side under ML-D and east side under RS zoning. The auto repair use and appurtenant facilities are located entirely on the west side of the property. The east side is currently vacant.
- d) 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. There is ample space on the east side of the property to add parking spaces to be compliant with applicable





zoning codes. There is adequate street access from the driveway off of Shearer Avenue on the east side of the property.

- e) The proposed auto repair use meets the goals and objectives of the General Plan and is consistent with applicable zoning and design regulations. Therefore all of the required findings pursuant to Section 9172.21(D), Findings and Decision, can be made in the affirmative.

**Section 4.** The Planning Commission further finds that the proposed use will not have a significant effect on the environment. The proposed use 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) of the CEQA (California Environmental Quality Act) Guidelines.

**Section 5.** Based on the aforementioned findings, the Commission hereby grants Conditional Use Permit No. 797-10 with respect to the property described in Section 1 hereof, subject to the conditions set forth in Exhibit "B" attached hereto.

**Section 6.** The Secretary shall certify to the adoption of the 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 13<sup>th</sup> DAY OF DECEMBER, 2011**

\_\_\_\_\_  
**CHAIRMAN**

**ATTEST:**

\_\_\_\_\_  
**SECRETARY**



CITY OF CARSON  
DEVELOPMENT SERVICES  
PLANNING DIVISION  
EXHIBIT "A"  
LEGAL DESCRIPTION  
CONDITIONAL USE PERMIT NO. 797-10

Property Address: 20840 S. Main Street

Parcel Identification Number: 7336-016-040

Lot 8 of Tract number 8245, as per map recorded in Books and Maps, in the Office of the County Recorder of said County.



**CITY OF CARSON**  
**ECONOMIC DEVELOPMENT**  
**PLANNING DIVISION**  
**EXHIBIT "B"**

**CONDITIONS OF APPROVAL**

**CONDITIONAL USE PERMIT NO. 797-10**

GENERAL CONDITIONS

1. If a business license permit for the automotive repair and smog check use is not issued within one year of the date of approval of Conditional Use Permit No. 797-10, 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.
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. All existing uses not described in this Resolution shall cease operations effective immediately, including residential uses. The continued operation of such unpermitted uses is subject to Code Enforcement action. All future uses shall be in compliance with applicable regulatory requirements. Future development plans for a residential use on the east side, RS (Residential, Single-Family) zoned portion of the subject lot, are required to obtain development plan approval by the Planning Division, or such other required permitting procedure applicable to the property at that time.
10. 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. 797-10. 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.

## **AESTHETICS**

11. In accordance with Ordinance No. 04-1322, all recommendations identified in the building inspection report submitted for the property, which includes plans to eliminate or mitigate any existing building, plumbing, electrical and fire code deficiencies on or within the subject commercial building, shall be completed within 120 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.
12. Within 30 days of CUP approval, a demolition permit, or permits, shall be issued for removal of all existing improvements constructed without benefit of building permits. Such demolition shall be complete and a final for such permit shall be given within 60 days of issuance of said demolition permit(s).
13. 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.
14. 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.
15. The chain link fencing on the northwest property line shall be removed and replaced with wrought-iron fencing within 120 days of CUP approval, subject to Planning Division review and approval.



16. A façade improvement plan which includes resurfacing, if necessary, repainting, new signage, and re-roof shall be submitted to the Planning Division within 60 days of CUP approval, and such work authorized by improvement plan approval shall be completed within one year of CUP approval.
17. 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.
18. 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.
19. The applicant/owner shall submit a landscape and irrigation plan prior to the issuance of a building permit (or within 60 days of CUP approval if no building permit is needed) identifying the planting of ground-cover along a five-foot wide landscaped frontage along the southwest corner of the property fronting Main Street and a section along the northwest corner, subject to Planning Division review and approval. The approved landscaping shall be installed within 90 days of landscape plan approval. The new groundcover 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.

#### ENGINEERING SERVICES DEPARTMENT - CITY OF CARSON

20. 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

21. 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.

