



CITY OF CARSON

PLANNING COMMISSION STAFF REPORT

NEW BUSINESS DISCUSSION: January 10, 2012

SUBJECT: Conditional Use Permit No. 823-10

APPLICANT: Jacqueline Adame
20922 South Main Street
Carson, CA 90745

PROPERTY OWNER: Dan Drorbaugh
1110 2nd Street
Hermosa Beach, CA 90254

George R. Jimenez Sr.
1559 West 216th Street
Torrance, CA 90501

REQUEST: To adopt a resolution revoking Conditional Use Permit No. 823-10 for an auto repair business on a site located in the ML-D (Manufacturing, Light – Design Overlay) zoning district

PROPERTY INVOLVED: 20922 South 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. 13A

I. Introduction/Background

On October 25, 2011, the Planning Commission adopted Resolution No. 11-2408 approving Conditional Use Permit (CUP) No. 823-10 to allow an existing auto repair use (Carburetor Land) to continue with the implementation of strict performance standards within a 12-month time period (Exhibit No. 2). The property is located at 20922 South Main Street.

The existing auto repair use is operated and owned by the applicant, Jacqueline Adame. The property owners are Dan Drorbaugh and George R. Jimenez Sr.

On December 11, 2011 staff conducted a site inspection to verify conditions of approval were being satisfied within the time period agreed upon in Resolution No. 11-2408. Condition Nos. 22, 23, and 24 were not satisfied which required the removal of all unpermitted structures on-site, the removal of all unpermitted signage, and approval of a site plan to be submitted to planning staff. The site has been unchanged since the Planning Commission's approval on October 25, 2011. The unpermitted canopies and outdoor lifts are still onsite and being utilized.

Subsequently, staff contacted the applicant via telephone to notify of the violations noted in the inspection. Staff informed the applicant that a possible revocation hearing would be scheduled to revoke CUP No. 823-10 if the performance standards were not satisfied within the allotted period of time. Staff also contacted both property owners via telephone and in writing of the current status of the site. On December 27, 2011, a letter was mailed to the applicant and property owners indicating the observed onsite violations and referral of the item to the Planning Commission for possible revocation of the permit (Exhibit No. 3).

During conversations with the property owners, they stated that they would be supportive of a revocation since they do not have immediate funds to modify the site for auto repair. Their intentions are to improve the site to meet code requirements, however they do not want to invest for an auto repair use.

II. Analysis

Conditional Use Permit

As stated in Condition No. 32:

"The Planning Commission may revoke this conditional use permit pursuant to this resolution if the application fails to satisfy the performance standards within the allotted time. If the CUP is deemed null and void, all auto repair activities must be vacated within 30 days from the date the CUP is deemed invalid."



Staff has observed the applicant to be in violation of Condition Nos. 22, 23, 24, and 32. The applicant has shown no intentions of satisfying the performance standards within the allotted time. Staff recommends revocation of CUP No. 823-10 pursuant to Condition No. 32, which would require all auto repair activities to cease and the property to be vacated within 30 days.

III. Environmental Review

Pursuant to Section 15321(a) of the California Environmental Quality Act (CEQA) Guidelines, the enforcement action by a regulatory agency to revoke an entitlement is categorically exempt.

IV. Recommendation

That the Planning Commission instruct staff to initiate revocation proceedings pursuant to Section 9172.28 of the Carson Municipal Code.

V. Exhibits

1. Section 9172.28
2. Resolution No. 11-2408
3. Letter dated December 27, 2011

Prepared by: Sharon Song, Associate Planner

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

Approved by: 
Sheri Repp-Loadman, Planning Officer

9172.28 Revocation.

A Conditional Use Permit, Variance, nonconforming privilege or other permission for a specific use or development pursuant to this Chapter, may be revoked through the following procedure:

A. Initiation. Revocation proceedings may be initiated by the Council, Commission or Director.

B. Commission Hearing and Notice. The Commission shall conduct a hearing with notice in the same manner as for a Conditional Use Permit (CMC 9172.21(C)), except that notice to the owner of the subject property shall be given by service in the manner of a summons or by registered mail.

C. Commission Decision. After the hearing, the Commission may, by resolution, revoke the permission for the use or development if any of the following are found:

1. Approval was obtained by fraud, deceit or misrepresentation.
2. The property is or has in the recent past been used or developed in violation of the conditions of approval or of other laws or regulations.
3. The property is or has in the recent past been used or developed in a manner materially detrimental to public health, safety or welfare, or constitutes a public nuisance.

D. Effective Date and Appeal.

1. Such revocation shall become effective fifteen (15) days after the date of action by the Commission unless an appeal is filed in accordance with CMC 9173.4.
2. An appeal shall be considered by the Council as provided in CMC 9173.4.

CITY OF CARSON
PLANNING COMMISSION
RESOLUTION NO. 11-2408

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF CARSON APPROVING CONDITIONAL USE PERMIT
NO. 823-10 TO PERMIT AN EXISTING VEHICLE SERVICE AND
REPAIR USE LOCATED AT 20922 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 Jacqueline Adame, with respect to real property located at 20922 South Main Street, and described in Exhibit "A" attached hereto, requesting the approval of Conditional Use Permit No. 823-10 to authorize the continued operation of an existing auto repair use in the ML-D (Manufacturing, Light - Design Overlay Review) zoning district.

A public hearing was duly held on October 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 Light Industrial uses and bears a consistent zoning classification of ML-D (Manufacturing, Light – 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 Light Industrial designation and is also a permitted use in the ML-D zone with the approval of a conditional use permit, subject to the requirements of Carson Municipal Code (CMC) Section 9138.2.

The project site is located within 100 feet of residential uses, therefore under CMC Section 9138.2 is required to obtain 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. With the implementation of conditions of approval and correction of code violations, the subject property will have 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 existing 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 applicant has submitted plans for improvements, which include reslurry/repairing of asphalt, restriping of the parking areas, removal of unpermitted structures, and removal of unpermitted signage. These



improvements will improve the general area and be compatible with the intended character of the area.

- e) 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.
- f) Conditions of Approval are included in Exhibit "B" of this Resolution which identify performance standards and a schedule for implementation to improve the site and meet all code requirements within twelve (12) months.
- g) The applicant acknowledges that if any performance standard is not satisfied within the schedule time period or the site does not satisfy all requirements within twelve (12) months, the CUP may become null/void and any auto repair use on site must vacate within 30 days from the date the CUP is deemed invalid.
- h) If all performance standards are completed within the time allowed, the Planning Commission shall review the CUP 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 may expire at the end of the twelve (12) month term unless the Planning Commission is able to make affirmative findings to support an extension to the permit.
- i) The use will comply with the City's development standards for auto repair facilities as outlined in Section 9138.2 of the CMC, unless modified by the conditions of approval set forth in Exhibit "B" attached hereto.

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. 823-10 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 OCTOBER, 2011

CHAIRMAN

ATTEST:

SECRETARY



Exhibit "A"

LEGAL DESCRIPTION

Real property in the City of Carson, County of Los Angeles, State of California, described as follows:

THE WESTERLY 125 FEET OF LOT 27 TRACT 5927, IN THE CITY OF CARSON, AS PER MAP RECORDED IN BOOK 64 PAGE 58 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

APN: 7336-017-035

Priority Title



CITY OF CARSON
ECONOMIC DEVELOPMENT
PLANNING DIVISION

EXHIBIT "B"

CONDITIONS OF APPROVAL

CONDITIONAL USE PERMIT NO. 823-10

GENERAL CONDITIONS

1. Upon activation, the Conditional Use Permit pursuant to this resolution shall become null and void if any of the conditions of approval and/or performance standards are not satisfied within the allotted time, unless an extension of time is requested prior to expiration and approved by the Planning Commission.
2. The applicant shall comply with all city, county, state and federal regulations applicable to this project.
3. 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.
4. 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.
5. 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.
6. 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.
7. All operations such as work or repair on vehicles must be conducted on-site, not visible to the public. The applicant is permitted to conduct work under a permitted

canopy, not visible to the public for twelve (12) months or when an enclosed building for auto repair is constructed, whichever date is first.

8. 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.
9. All repair activities shall be confined to the hours between 7:00 a.m. to 9:00 p.m. daily.
10. No auto repair activities are permitted in areas visible to the public.
11. 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.
12. 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.
13. 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.
14. 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.
15. Post signs at sinks to remind employees not to pour wastes down drains.
16. 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.
17. In accordance with Ordinance No. 04-1322, the applicant has provided a property inspection report for the site which identify potential plumbing, electrical and fire code deficiencies. The report also includes plans to eliminate or mitigate any deficiencies identified. The mitigation measures in such report shall be hereby incorporated in these conditions of approval within 120 days permitted to allow for the mitigation measures, if any, to be completed subject to the Planning Division's review and approval.
18. 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. 823-10. 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.

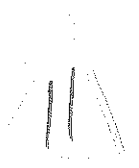
Performance Standards - *The applicant shall be responsible for satisfying the following performance standards within the allotted time (performance schedule is provided below):*

19. Conditional Use Permit No. 823-10 shall be subject to a full review by the planning division no later than twelve (12) months from the date of Planning Commission approval. The applicant shall submit a request for review of the CUP. Review of the CUP will be pursuant to CMC Section 9172.21(G) – Subsequent Modifications of Conditions. The Planning Commission shall consider the continuation of the auto repair use to determine compatibility and appropriate operating conditions or standards after the 12 month period. A public hearing need not be required unless requested by the applicant, Director, Commission or Council. Applicable fees shall apply.
20. If a request for review of the CUP is not submitted to the planning division within twelve (12) months from the date of Planning Commission approval, the CUP pursuant to this resolution may become null and void and any auto repair use on site must be vacated within 30 days from the date the CUP is deemed invalid.
21. Upon activation, the conditional use permit pursuant to this resolution shall become null and void if the applicant fails to satisfy the performance standards within the allotted time. If the CUP is deemed null and void, all auto repair activities must be vacated within 30 days from the date the CUP is deemed invalid.
22. Within 30 days from the date of CUP approval, the owner/applicant shall obtain a demolition permit to remove all unpermitted structures including, the canopies and outdoor car lift. All unpermitted structures must be demolished within 30 days from issuance of permits.
23. Within 30 days from the date of CUP approval, the applicant shall submit a site plan for Planning approval and building permits for an enclosed work area to be constructed in phases.
24. Within 30 days from the date of CUP approval, the applicant shall remove all unpermitted signage on-site.
25. Within three (3) months from the date of CUP approval, the applicant shall provide landscaping plans that include landscaping improvements along the rear

- property line. Within 30 days of landscape plan approval, the applicant shall install landscaping according to the approved plan. All landscaping shall be maintained by an automatic drip irrigation system.
26. Within six (6) months from the date of CUP approval, all broken or damaged asphalt on-site shall be repaired or restored to the satisfaction of the Planning Division.
 27. Within seven (7) months from the date of CUP approval, the owner/applicant shall stripe parking spaces for the appropriate number of parking spaces and bumper stops per the approved site plan and as required in the Carson Municipal Code.
 28. Within nine (9) months from the date of CUP approval, the applicant shall provide plans for an enclosed structure for all auto repair activities that meets planning and building code requirements. The Planning Division shall determine if the plans can be approved administratively or forwarded to the Planning Commission for review and approval. Subject to approval by either the Planning Division or Planning Commission, as applicable, the applicant shall obtain all necessary permits and complete construction of the enclosed structure within twelve (12) months from the date of CUP approval. All temporary structures or canopy shall be removed.
 29. The applicant may conduct auto repair activities under a permitted canopy for no longer than twelve (12) months from the date of CUP approval during the construction of the enclosed work area.
 30. Within twelve (12) months from the date of CUP approval, the applicant shall provide an enclosed structure for all auto repair activities that meets planning and building code requirements. All temporary areas shall be removed.
 31. 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 ML-D (Industrial, Light – Design Overlay) zoning district.
 32. The Planning Commission may revoke this conditional use permit pursuant to this resolution if the application fails to satisfy the performance standards within the allotted time. If the CUP is deemed null and void, all auto repair activities must be vacated within 30 days from the date the CUP is deemed invalid.
 33. The applicant may not submit for an extension of time.

BUSINESS LICENSE DEPARTMENT – CITY OF CARSON

34. 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

December 27, 2011

Jacqueline Adame
20922 South Main Street
Carson, CA 90745

Subject: Conditional Use Permit No. 823-10 – Auto Repair (Carburetor Land)

Ms. Adame,

On October 25, 2011, the Planning Commission approved Conditional Use Permit (CUP) No. 823-10 approving the continued use of an existing auto repair use (Carburetor Land), subject to conditions of approval requiring strict compliance with performance standards within a 12-month period.

A site inspection was conducted on December 8, 2011 at 20922 South Main Street to verify compliance with CUP No. 823-10 and Resolution No. 11-2408 and staff has concluded that the applicant has failed to satisfy the performance standards within the allotted time.

Per condition nos. 22-24, a site plan was required to be submitted, all unpermitted signage was required to be removed, and all unpermitted structures were to be removed within 30 days from the date of Planning Commission approval. The deadline to satisfy these conditions was November 25, 2011.

Per condition no. 21, if the applicant fails to satisfy any performance standards within the allotted time, all auto repair activities must be vacated within 30 days from the date the CUP is deemed invalid. **As such, staff has scheduled CUP No. 823-10 to be reconsidered by the Planning Commission on January 10, 2012.** Per our phone conversation, you stated that you would be available to attend this meeting.

If you have any questions or concerns, please feel free to contact me at (310) 952-1700 ext. 1365 or ssong@carson.ca.us.

EXHIBIT NO. 3 -



2 Jacqueline Adame
December 27, 2011

Sincerely,



Sharon Song
Associate Planner

cc: Dan Drorbaugh
1110 2nd Street
Hermosa Beach, CA 90254

George R. Jimenez Sr.
1559 West 216th Street
Torrance, CA 90501

Attachment: Resolution No. 11-2408