



CITY OF CARSON PLANNING COMMISSION STAFF REPORT

NEW BUSINESS DISCUSSION: February 14, 2012

SUBJECT: Conditional Use Permit No. 823-10

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

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

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

REQUEST: To approve a facility closure agreement 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

Item No. 12A

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 provided that strict performance standards are followed 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 David Drorbaugh and George R. Jimenez Sr.

On January 10, 2012, the Planning Commission directed staff to prepare a facility closure agreement with the business operator to be considered on February 14, 2012 by the Planning Commission.

II. Analysis

Staff has prepared a facility closure agreement for Planning Commission consideration after meeting and discussing the details of the agreement with the business operator on January 30, 2012. The business operator has agreed to the conditions within the Agreement with the exception of the closure time period, which the owner requests a twelve (12) months extension. The request also includes for auto repair services to continue to operate outside and not within an enclosed building, which is not in conformance with Section 9138.2 of the Carson Municipal Code. It is staff's position that a closure date of August 14, 2012 is an appropriate time period to clear the site of the use. The staff recommended date represents a 9 ½ month period since the approval of the CUP on October 25, 2011.

III. Recommendation

That the Planning Commission approve the facility closure agreement or instruct staff to initiate revocation proceedings pursuant to CMC Section 9172.28.

IV. Exhibits

1. Draft Facility Closure Agreement
2. Resolution No. 11-2408
3. Planning Commission Minutes, dated October 25, 2011
4. Planning Commission Minutes, dated January 10, 2012

Prepared by: 

Sharon Song, Associate Planner

Reviewed by: 

John F. Signo, AICP, Senior Planner

Approved by: 

Sheri Repp-Loadman, Planning Officer

Planning Commission Staff Report
February 14, 2012
Page 2 of 2

2

Facility Closure Agreement

City of Carson, Carburetor Land
20922 South Main Street

This FACILITY CLOSURE AGREEMENT ("Agreement") is made as of this 14th day of February, 2012 ("Effective Date") by and between the CITY OF CARSON, a general law city & municipal corporation ("City"), Carburetor Land, a sole proprietorship owned and operated by Jacqueline Adame ("Carburetor Land"), and David Drorbaugh and George Jimenez, jointly and severally, individuals and owners of that certain real property located at 20922 South Main Street in the City of Carson, California 90745 ("Owner").

RECITALS

- A. Carburetor Land operates an auto repair business at real property located at 20922 South Main Street in the City of Carson, California 90745 ("Property"), as identified in Exhibit "A" attached hereto. The property is zoned ML-D (Manufacturing, Light – Design Overlay) and has a General Plan land use designation of Light Industrial. The property is adjacent to residential uses to the east.
- B. Based on city records, the existing building was constructed in 1926. Two building permits were issued in 1947 and 1986 for building remodels and modifications. Since then, no other building permits have been issued. Two free-standing structures and an addition to the building were placed on the property without obtaining the necessary buildings permits. In applying the provisions of the Carson Municipal Code, structures must meet the applicable standards of the zoning and building codes or be removed.
- C. On October 5, 2004, the Carson City Council passed Ordinance No. 04-1322, which requires a conditional use permit (CUP) for any auto repair use located within one-hundred (100) feet of a residential zone or within the CR (Commercial, Regional) zoning district. The Property is located immediately adjacent to the RS (Residential, Single Family) zoned district.
- D. As a result of the adoption of Ordinance No. 04-1322, the Carburetor Land auto repair use became a legal non-conforming use, subject to the approval of a conditional use permit (CUP) within five (5) years from the effective date of the ordinance. The auto repair use at the property site became non-conforming on October 5, 2009 due to the failure to submit the requisite application for a conditional use permit.
- E. On May 6, 2010, Carburetor Land requested approval of Conditional Use Permit (CUP) No. 823-10 to authorize an existing auto repair use located at the property site.



- F. On October 25, 2011, the Planning Commission approved Resolution No. 11-2408, approving CUP No. 823-10 to permit an existing auto repair use located at the property site, subject to conditions of approval which included a twelve (12) month performance timeline and the requirement that all operations be conducted within an enclosed building pursuant to Section 9138.2 of the Carson Municipal Code..
- G. On January 10, 2012, the Planning Commission considered whether to proceed with the revocation process for CUP No. 823-10 due to the failure to comply with the conditions of approval. The Planning Commission heard testimony from Carburetor Land concerning the lack of financial resources to provide for an enclosed structure. The Planning Commission also acknowledged the letter dated August 15, 2011 from the Owner indicating that funds were not available for any new structures. At the conclusion of the discussion, the Planning Commission directed staff to move forward with a facility closure agreement to be considered on February 14, 2012.

AGREEMENT

NOW, THEREFORE, in consideration of the performance by the parties of the promises, covenants and conditions herein, and based on the above Recitals, which the parties incorporate as set forth herein, the parties agree as follows:

1. Facility Closure Obligations. The City grants the following closure schedule (collectively, "Closure Period") to Owner in accordance with the terms and conditions of this Agreement and the provisions of the CMC. Carburetor Land and Owner shall comply with the following schedule regarding the termination and closure of the auto repair use and demolition and/or removal of unpermitted structures on the property:
 - a. On or before March 14, 2012 Carburetor Land and Owner shall discontinue use of the unpermitted lifts, remove excessive storage, provide on-site parking pursuant to a plan approved by the Planning Division and remove all unpermitted signage.
 - b. On or before June 14, 2012, Carburetor Land and Owner shall have either obtained a permit or demolished the addition located on the east side of the main building.
 - c. On or before August 14, 2012, Carburetor Land and Owner shall obtain proper demolition permits and demolish the unpermitted addition of the free-standing wood canopy .
 - d. Carburetor Land and Owner shall cease all auto repair operations not conducted within an enclosed building by no later than August 14, 2012.

Owner shall further comply with the following additional conditions:

- e. Security. Any debris or wreckage within setbacks, fire lanes, and access ways shall be removed and remain clear.
2. No Entitlement to Relocation Assistance. Carburetor Land and Owner further acknowledge and agree that the closure of the auto repair use and requirements under this Agreement are not actions undertaken by the City, but instead, clarify the application of the City's Ordinance No. 04-1322. As such, Carburetor Land and Owner further acknowledge and agree that they shall not be entitled, either individually or jointly, to any severance damages, relocation expenses or damages, loss of business goodwill and/or lost profits, loss or impairment of any "bonus value" attributable to any lease; valuation, damage or loss of any kind or nature related to furniture, fixtures and equipment; damage to or loss of improvements pertaining to realty, costs, interest, attorneys' fees, and any claim whatsoever of Carburetor Land or Owner which might arise out of or relate to any respect to the termination of the auto repair use or any provision of this Agreement.
3. General Release. For valuable consideration, the receipt and adequacy of which are hereby acknowledged, Carburetor Land and Owner hereby release, waive, discharge and covenant not to sue the "Releasees" hereunder, consisting of the City, each of their respective elected and/or appointed public officials, officers, employees, boards, departments, and agents, including, but not limited to each and all of them and (as the case may be) each of the City's respective associates, predecessors, successors, successor agencies, heirs, assignees, agents, directors, officers, employees, representatives, lawyers, and all persons acting by, through, under or in concert with them, or any of them, of and from any and all manner of action or actions, cause or causes of action, in law or in equity, suits, debts, liens, contracts, agreements, promises, liability, claims, demands, damages, loss, cost or expenses, of any nature whatsoever, known or unknown, fixed or contingent (hereinafter called "Claims"), which Carburetor Land and Owner, or either of them, now has or may hereafter have against the Releasees, or any of them, by reason of any matter, cause, or thing whatsoever from the beginning of time to the date hereof for any and all claims constituting, arising out of, or based upon the terms and conditions of this Agreement.
4. Enforcement. The parties hereby acknowledge and agree that the subject matter of this Agreement directly affects the health, safety and welfare of the residents of the City, and the City may enforce this Agreement through City administrative proceedings, code enforcement proceedings, or any legal or equitable proceeding available to in under law.
5. Litigation. In the event that either party shall commence any legal action or proceeding to enforce or interpret this Agreement, the prevailing party in such action or proceeding shall be entitled to recover its costs of suit, including reasonable attorney's fees. The venue for any litigation shall be Los Angeles County. In the event of any asserted ambiguity in, or dispute regarding the interpretation of any matter herein, the interpretation of this Agreement shall not

be resolved by any rules of interpretation providing for interpretation against the party who causes the uncertainty to exist or against the drafting party. This Agreement shall be governed by and interpreted under the laws of the State of California.

6. Attorney's Fees. In the event of litigation relating to or arising out of this Agreement, the prevailing party shall be entitled to be reimbursed by the losing party for all costs and expenses incurred thereby, including, but not limited to actual attorneys' fees and costs for services rendered to such prevailing party.
7. Entire Agreement. This Agreement represents the entire and integrated agreement between City, Carburetor Land, and Owner. This Agreement supersedes all prior oral or written negotiations, representations or agreements. This Agreement may not be amended, nor any provision or breach hereof waived, except in a writing signed by the parties, which writing expressly refers to this Agreement.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date first written above.

City: CITY OF CARSON

By: _____

ATTEST:

By: _____
City Clerk

APPROVED AS TO FORM:

By: _____
City Attorney

CARBURETOR LAND:

By: _____
Jacqueline Adame

OWNER:

By: _____
David Drorbaugh

By: _____
George Jimenez

[END OF SIGNATURES]



EXHIBIT "A"

All real property located at 20922 S. MAIN ST
CARSON CA 90745 in the County of Los Angeles described as
follows:

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

Assessor's Identification No.: A.P.N. 7336-017-035



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.

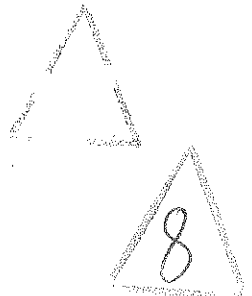
A public hearing was duly held on October 25, 2011, at 6:30 P.M. at City Hall, Council Chambers, 701 East Carson Street, Carson, California. A notice of time, place and purpose of the aforesaid meeting was duly given. Evidence, both written and oral, was duly presented to and considered by the Planning 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

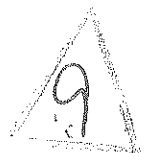


Exhibit "A"

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

10

CITY OF CARSON
ECONOMIC DEVELOPMENT

PLANNING DIVISION

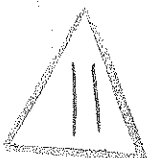
EXHIBIT "B"

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. They 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.



Performance Schedule

Deadline (From the date of CUP approval, unless otherwise noted)	Performance Standards
30 days	Obtain a demolition permit for all unpermitted structures. (Condition No. 22)
30 days from the issuance of the demolition permit	All unpermitted structures on-site must be demolished and removed. (Condition No. 22)
30 days	Submit a site plan for the enclosed area (Condition No. 23)
30 days	Remove all unpermitted signage. (Condition No. 24)
3 months	Submit landscape plan. (Condition No. 25)
120 days	Satisfy deficiencies identified in the property inspection report. (Condition No. 17)
6 months	Repair/reslurry parking lot. (Condition No. 26)
7 months	Re-stripe parking. (Condition No. 27)
30 days from the date of landscape plan approval	Install landscape. (Condition No. 27)
9 months	Obtain building permits for the enclosed building (Condition No. 28)
12 months	Construct an enclosed building for auto repair activities. (Condition No. 30)
12 months	Meet all requirements and submit an application for consideration by the Planning Commission to extend the approval for auto repair. (Condition Nos. 19 and 20)

Planning Officer Repp noted for Commissioner Goolsby that she anticipates the approval for True Value's mural and an ordinance amendment item will come back to the Planning Commission before the end of this year.

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10. CONTINUED PUBLIC HEARING None.
11. PUBLIC HEARING
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A) Conditional Use Permit No. 823-10

Applicant's Request:

The applicant, Jacqueline Adame, is requesting the approval of an auto repair business on a site located in the ML-D (Manufacturing, Light – Design Overlay) zoning district. The property is located at 20922 South Main Street.

Staff Report and Recommendation:

Associate Planner Song presented staff report and the recommendation to APPROVE Conditional Use Permit No. 823-10; and WAIVE further reading and ADOPT Resolution No. 11-2408, entitled, "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."

Associate Planner Song highlighted the following changes to the conditions of approval:

Modify Condition No. 28 to change the allotted timeline from 10 months to 9 months and add more specific language that all improvements have to meet building code requirements.

Add two conditions: No. 32 - The Planning Commission can revoke permit if they don't satisfy the performance standard schedule; and No. 31 - The applicant cannot ask for an extension of time.

Modify Condition Nos. 23 and 29: No. 23 – Change the word "canopy" to "enclosed work area" and clarify that they can construct in phases. The word was changed to provide more clarity, and; No. 29 – Add to the condition that they can operate during the construction of the enclosed work area.

Commissioner Diaz questioned whether an enclosed structure will be built in 12 months. Commissioner Saenz asked if all the violations have been corrected.

Associate Planner Song explained that minor corrections have been made; that the applicant has applied for a demolition permit; and that they have invested a reasonable amount of funds to show they are making a good attempt at correcting the nonconformities. She added that the remaining violations will be costly to correct.

Commissioner Schaefer highlighted staff's wording that the proposed business is compatible with the character of the surrounding area, expressing her belief these types of uses are not attractive at the gateway into Carson. She stated that while she does

not want to put anyone out of business, she would like the businesses in this area to clean up their properties and conform to code.

Associate Planner Song explained that this lot does not have enough room at the side of the driveway and front to accommodate landscaping but that landscaping can be provided at the back of the property, noting the adjacent residents and customers will be able to see the landscaped areas. She advised that there are long-term redevelopment plans for this area, but that intermediate plans are being put into place for those who are working with the Planning Department to improve their properties. She added that the Planning Department and the Code Enforcement Department are proactively working together to gain conformance along Main Street.

Planning Officer Repp acknowledged that this area has had problems for many years and noted there is currently more of a collaborative effort within the City to rectify these problems. She highlighted the effectiveness of the conditional use permit process.

Commissioner Williams expressed his belief this is not the most appropriate use for this property, noting it is too small for their operations; he questioned the financial feasibility of putting a lot of money into the improvements; and he asked how the applicant plans to conduct business while construction is taking place. He asked if the property owner has any plans to assemble the adjoining lot.

Vice-Chairman Gordon opened the public hearing.

Jacqueline Adame, applicant, commented on the improvements that have been made thus far to this property; stated that this family business has been at this site for 20 years; and noted she needs more time and money to make the remaining improvements.

George Jimenez, property owner, confirmed that improvements are being made to this property.

Chairman Faletogo asked how much it will cost to comply with code and whether it is financially feasible or even possible for this business to complete the improvements.

Ms. Adame stated she has no plan for doing the improvements and does not know how much those improvements will cost. She explained that this business rebuilds carburetors and that minor automotive repairs are done on site. She stated that the majority of her business is rebuilding carburetors and sending them offsite. Ms. Adame noted for Vice-Chairman Gordon that approximately 30 percent of her business is installing carburetors.

Mr. Jimenez stated that this business started out as a carburetor rebuilder but evolved into some automotive repairs being done on site.

Vice-Chairman Gordon questioned whether it is financially feasible for the applicant to improve this site.

Planning Officer Repp estimated that the cost to make all the improvements is \$50,000.

Commissioner Diaz asked if the applicant can make all of these improvements within the next 12 months, as indicated in the conditions of approval.

Mr. Jimenez expressed his belief that because of financial constraints, he thinks more time will be needed to build the structure.

Commissioner Diaz stated that he could not support the request if the applicant does not think she can meet the conditions of approval.



Commissioner Williams stated he has the same concerns, pointing out the applicant has no plan for the major improvements and does not know how much it will cost; and expressed his belief the applicant would need someone to coordinate the project.

Ms. Adame pointed out she does not own the property and there is only so much she can do to it.

Commissioner Verrett commented on these difficult economic times and stated she does not like to see businesses close; stated that the applicant was originally given 18 months to make these improvements; and noted that she would be amenable to giving the applicant 18 months if she believes the improvements can be made.

Associate Planner Song noted that the Botach property was given 18 months to complete the improvements because it has 10 businesses on site.

Planning Officer Repp stated that 6 to 12 months is typical for businesses to make necessary improvements, noting this is a small auto repair business; and stated it is not fair to other small businesses that have been given the typical 6 to 12 months to comply.

Vice-Chairman Gordon asked the applicant if she has considered moving her operations to another site.

Ms. Adame stated that she has looked at other properties, but stated that locally there is little available.

Mr. Jimenez stated that he can oversee the project because he is a licensed general contractor.

Commissioner Goolsby commented on the significance of improving one property at a time in this area.

Commissioner Brimmer stated she is not convinced any work will be done because there is no plan, questioning if the redevelopment agency is active in this area.

Planning Officer Repp commented on the City's RDA curtailing its activities because of the state's issues with RDA's, but added that she believes the RDA will have some activity and/or ability to acquire and assemble properties for better development, noting the RDA is interested in acquiring some of the properties in this area.

City Attorney Wynder advised that the City's RDA can only work on existing obligations at this time.

Commissioner Verrett asked if the cost of improvements can be lowered if Mr. Jimenez is doing the general contracting activity.

Mr. Jimenez expressed his belief the cost will be less because of his involvement; and he stated he can provide plans for this site within 9 months.

There being no further input, Vice-Chairman Gordon closed the public hearing.

Chairman Faletogo commented on the property owner's intent to help with the improvements; and highlighted these difficult economic times and the need to help businesses when possible. He stated that as long as the applicant intends to make the improvements, he believes they should be given a chance to go forward.

Planning Commission Decision:

Commissioner Brimmer moved, seconded by Commissioner Williams, to deny the applicant's request. This motion was superseded by the substitute motion.

18

By way of a substitute motion, Chairman Faletogo moved, seconded by Commissioner Goolsby, to approve the applicant's request, thus adopting Resolution No. 11-2408 as amended. This motion carried as follows:

AYES: Faletogo, Goolsby, Gordon, Saenz, Schaefer, Verrett
NOES: Brimmer, Diaz, Williams
ABSTAIN: None
ABSENT: None

Vice-Chairman Gordon recessed the meeting at 9:17 P.M. and reconvened the meeting at 9:24 P.M. Commissioner Brimmer departed the meeting during the break.

12. NEW BUSINESS DISCUSSION

A) Workshop on auto repair and service use

Applicant's Request:

The applicant, city of Carson, is requesting a workshop to update the Planning Commission on auto repair and service businesses. Properties involved would be citywide.

Staff Report and Recommendation:

Senior Planner Signo presented staff report and the recommendation for the Planning Commission to CONSIDER and DISCUSS the issues presented at the workshop; DISCUSS policy issues or other concerns; and RECEIVE and FILE. He noted there are approximately three pending CUP's for the businesses on Main Street, three on Avalon Boulevard, and one on Alameda Street.

Planning Officer Repp explained that those remaining will likely be recommended for denial because there are problems with code issues and site deficiencies.

Senior Planner Signo stated that staff continues to work with the remaining businesses.

Chairman Faletogo thanked staff for the before-and-after photos of those businesses that have met the conditions for their CUP's.

Planning Commission Decision:

Received and filed.

13. WRITTEN COMMUNICATIONS

None.

14. MANAGER'S REPORT

Planning Officer Repp happily announced that Igor has officially been adopted by her family; advised that she will be leaving once again for Russia on Saturday; and that she will be bringing Igor back with her on this trip, anticipating that she will return home at the end of next week. She thanked everyone for their support and well wishes; and mentioned that she will spend time with Igor in November and will likely not be back to work on a full-time basis until the beginning of December.

MINUTES

CITY OF CARSON REGULAR MEETING OF THE PLANNING COMMISSION CITY COUNCIL CHAMBERS, CARSON CITY HALL

701 East Carson Street, Second Floor
Carson, CA 90745

January 10, 2012 – 6:30 P.M.

1. **CALL TO ORDER** Vice-Chairman Gordon called the meeting to order at 6:36 P.M.
2. **PLEDGE OF ALLEGIANCE** Commissioner Schaefer led the Salute to the Flag.
3. **ROLL CALL**

Planning Commissioners Present: Brimmer, Diaz, Goolsby, Gordon, Schaefer, Saenz, Verrett, Williams

Planning Commissioners Absent: Chairman Faletogo (excused)

Planning Commissioners Departed Early: None

Planning Staff Present: Planning Officer Repp, Senior Planner Signo, City Attorney Wynder, Associate Planner Gonzalez, Associate Planner Song, Associate Planner Newberg, Assistant Planner Castillo, Recording Secretary Bothe, Traffic Engineer Garland
4. **AGENDA POSTING CERTIFICATION** Recording Secretary Bothe indicated that all posting requirements had been met.
5. **AGENDA APPROVAL**

Commissioner Saenz moved to consider the Carson Street Improvements item as the first order of business. This motion died due to the lack of a second.

Commissioner Saenz moved, seconded by Commissioner Diaz, to approve the Agenda as presented. Motion carried, 8-0 (absent Chairman Faletogo).
6. **INSTRUCTIONS TO WITNESSES** Vice-Chairman Gordon requested that all persons wishing to provide testimony stand for the oath, complete the general information card at the podium, and submit it to the

secretary for recordation.

7. SWEARING OF WITNESSES

City Attorney Wynder

8. ORAL COMMUNICATIONS

For items **NOT** on the agenda. Speakers are limited to three minutes. None.

13. NEW BUSINESS DISCUSSION

A) Conditional Use Permit No. 823-10

Request:

Staff is requesting the Planning Commission instruct staff to initiate revocation proceedings pursuant to Section 9172.28 of the Carson Municipal Code for the business owner, Jacqueline Adame, at 20922 South Main Street. The property owners are Dave Drorbaugh and George R. Jimenez, Sr.

Associate Planner Song advised that the property owners were not able to attend this evening's meeting, but indicated they will support staff's decision due to limited finances on their part. She noted for Commissioner Saenz that the applicant did pull a demolition permit but stated that they have not met the provisions of the performance standards.

Commissioner Goolsby asked why this is before the Commission given this business owner still has remaining months to comply with the performance schedule.

Associate Planner Song stated that the conditions of approval are being presented again this evening as an information item, and noted her hope this applicant will find the money necessary to comply before having to undergo a revocation hearing. In addition, the performance schedule requires that all requirements be completed within a 12-month period, however there are several deadlines within the 12-month period the applicable is responsible for.

Commissioner Verrett noted her concern with putting people out of business. Jacqueline Adame, business owner, stated that the green canopy was removed; noted that because she does not own this property, she is not able to submit plans to remove the lift. She added that it is her understanding she would have 12 months to get the work done.

Vice-Chairman Gordon reminded the applicant that the performance schedule sets in motion when the work is to be done so that it is all completed within a 12-month period; and he questioned if the applicant is making steady/consistent progress in making the improvements.

Ms. Adame stated that while she removed one of the canopies, the owner would be responsible for removing the lift, noting that the owner has yet to submit those plans.

Planning Officer Repp advised that the owners have indicated they do not have the funds to make a significant investment on this property and stated that either the owner



of the property or the business owner must make these improvements if this business is to remain.

Ms. Adame reiterated that because she is not the property owner, she does not have the legal right to remove the lift; and stated that one of the property owners noted at the prior meeting that he would help her out, but advised that neither property owner has provided any help.

City Attorney Wynder asked Ms. Adame if she's not able to make the corrections, how much time will she need to relocate this business.

Ms. Adame stated it would take her 8 to 10 months to find a new location, but stated that she would like to stay at this location.

Planning Officer Repp stated that the structure is not safe and that 60 days is typically the time period to allow for its removal. She noted that this applicant would still be able to repair carburetors, but that they would not be able to use the lift and structure.

City Attorney Wynder stated if neither party is willing or able to bring this site into compliance, it would be his recommendation for the Commission to direct staff to negotiate an executed closure agreement.

Zeke Vidari, businessman, asked that this applicant be given the full 12 months to make the improvements before putting in motion a closure agreement. He expressed his belief this applicant was depending on the property owner's comment that he would help her.

Planning Commission Decision:

Commissioner Verrett moved, seconded by Vice-Chairman Gordon, to direct staff to initiate revocation proceedings and a facility closure agreement. Motion carried 8-0 (absent Chairman Faletogo).

A handwritten signature, possibly "JF", is enclosed within a hand-drawn triangle in the bottom right corner of the page.