



CITY OF CARSON

PLANNING COMMISSION STAFF REPORT

CONTINUED WORKSHOP: June 9, 2009

SUBJECT: Continued workshop to discuss existing regulations for auto repair uses located within one-hundred (100) feet of any residential-zoned property and/or within the CR (Commercial, Regional) zone

APPLICANT: City of Carson

REQUEST: Discuss and provide direction for processing of future conditional use permit applications

PROPERTY INVOLVED: Citywide

COMMISSION ACTION

Concurred with staff

Did not concur with staff

Other

COMMISSIONERS' VOTE

AYE	NO		AYE	NO	
		Chairman Faletogo			Graber
		Vice-Chair Saenz			Park
		Brimmer			Schaefer
		Brown			Verrett
		Gordon			

Item No. 12A

I. Introduction

This is a continued workshop intended to reevaluate aspects of the zoning code and related issues as they pertain to existing, non-conforming auto repair uses in the city. This workshop was first discussed at the May 12, 2009 Planning Commission meeting when it was continued until June 9, 2009 at the request of the Planning Commission, to allow staff to gather further information regarding cost estimates for work associated with landscaping, sign repair/replacement, structural improvements for existing structures and/or other improvements that may be required to bring existing auto repair uses into compliance with applicable zoning codes. Staff will be providing more specific information regarding cost estimates in the workshop presentation. Staff seeks to further this discussion in order to create and/or implement certain policy issues so that they may provide the best guidance to applicants and effectively implement the city's zoning requirements.

II. Background

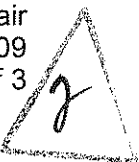
On May 26, 2009, Conditional Use Permit (CUP) No. 729-09 was granted by the Planning Commission. The applicant, Just Tires, was given authorization to operate an auto repair business located within the CR (Commercial, Regional) zone. One stipulation, however, was that they would be subject to comply with whichever landscaping, sign and other potential improvements deferred from the first workshop that would be decided upon at this continued workshop. Just Tires would then be required to come back before the Planning Commission with a revised site plan depicting these required improvements to be evaluated and considered for approval. This CUP application was the first of the five existing auto repair uses located in the CR zone, on and/or adjacent to the South Bay Pavilion that are required to obtain a CUP. Presumably, approximately sixty (60) CUP applications are to be submitted between now and the November 2009 expiration date of the non-conforming abatement period imposed by Carson Municipal Code Section 9182.22.

Testimony given at the first workshop included comments for and against implementing requirements to upgrade existing facilities. Minutes from the workshop are provided as Exhibit No. 1.

III. Analysis

Staff identified four groups of auto repair businesses, which included the following:

1. CR Zone – characterized by large, single-tenant properties occupied by nationally recognized corporate names. There are five (5) businesses in this group.
2. Carson Street – most of the eighteen (18) auto repair businesses along Carson Street are located in clusters and have been identified as incompatible with existing uses located nearby, with a few exceptions.
3. Existing New Vehicle Dealerships – there are three service and repair uses associated with the new vehicle dealerships which are located within 100 feet of a residential zone. These are recently constructed structures for which potential



impacts to residential uses in the immediate vicinity and were considered and mitigated in the design phase, prior to construction. These developments are consistent with standards identified in CMC Section 9138.2.

4. Small business and/or family-owned and operated – of the thirty-five (35) required to obtain a CUP, many are clustered amongst single properties.

Also, staff identified seven main areas of potential improvement to be considered for each CUP application, which included building façade improvements, landscaping, signs, interior improvements, operation standards, general site improvements (paving, deferred maintenance, etc.) and consideration of land use compatibility.

CUP applications to bring existing non-conforming auto repair uses in the CR zone into conformance have been, or will soon be, submitted to the Planning Division and a Planning Commission CUP approval for an existing auto repair was recently approved. As a result, the existing auto repair uses located in the CR zone have become the focus of attention for this workshop as they are located in highly visible locations within the city's main commercial corridor and harbor the greatest potential for positive aesthetic and economic impacts as a result of improvements required by CMC Section 9138.2.

IV. Conclusion

Staff seeks to obtain the Commission's advice for informing applicants of anticipated conditions and/or development standards that the Commission may consistently impose as part of any CUP for auto repair uses.

V. Recommendation

That the Planning Commission:

- CONSIDER and DISCUSS existing regulations; and,
- DIRECT staff on policy issues; or
- RECEIVE and FILE.

VI. Exhibits

1. Planning Commission Minutes, Dated may 12, 2009.

Prepared by: _____

Steven C. Newberg, AICP, Associate Planner

Reviewed by: _____

John F. Signo, AICP, Senior Planner

Approved by: _____

Sheri Repp, Planning Manager

Donyea Adams, Housing and Neighborhood Development Manager, provided additional input on affordable housing strategies and programs.

Commissioner Verrett expressed some concern that if all of the housing stock requirements were met, this city would become overpopulated.

Associate Planner Gonzalez commented on the mix of housing opportunities and added that providing this housing is all market driven.

Chairman Faletogo opened the public hearing.

Michael Chang, representing public counsel for a nonprofit legal service for affordable housing, addressed lower income housing needs, and stated they have not completed a full analysis of the Draft Housing Element and requested 30 more days to review this document before it is forwarded to State Housing and Community Development for its review.

Dean Shear, representing Willdan Engineering, stated that the City has undertaken an extensive public outreach effort on this housing element update in an attempt to gather community input; and expressed his belief there is no need to delay forwarding this document to State Housing and Community Development for its comments, pointing out this is still in draft form. He advised that any comments by that agency will be forwarded to City Council for final approval; and stated the City has met the requirements of state law and even gone above and beyond the requirements to solicit public comments.

Senior Planner Signo noted the importance of adopting a housing element for current and future developer proposals, allowing their plans/projects to move forward.

Planning Manager Repp noted that if State Housing and Community Development has any suggested policy changes, those will come back to the Planning Commission for review; otherwise, this document will go from State Housing and Community Development to City Council for final approval.

There being no further input, Chairman Faletogo closed the public hearing.

Planning Commission Decision:

Commissioner Graber moved, seconded by Commissioner Brown, to forward the Draft 2006-2014 Housing Element Update to State Housing and Community Development and then on to City Council with a recommendation for adoption. Motion unanimously carried.

12. NEW BUSINESS DISCUSSION -- Workshop

- A) Workshop to discuss existing regulations for auto repair uses located within 100 feet of any residentially zoned property and/or within the CR (Commercial, Regional) zone.**

Applicant's Request:

The applicant, city of Carson, Planning Division, is requesting the Planning Commission discuss and consider policy direction on implementing provisions for anticipated conditional use permit applications for properties citywide.



Staff Report and Recommendation:

Associate Planner Newberg presented staff report and the recommendation for the Planning Commission to CONSIDER and DISCUSS existing regulations and project proposals; and, DIRECT staff to draft an ordinance for consideration by the Planning Commission at a later date; or RECEIVE and FILE.

Responding to Commissioner Park's inquiry about how the minimum standards will be met on very small lots, Planning Manager Repp explained that if a business cannot comply with the minimum standards, it may have to close down; and added that staff will assist the businesses in whatever way it can.

Commissioner Gordon questioned if there is a maximum amount of money a business will have to spend in order to comply with the standards, including new landscaping and new signage.

Associate Planner Newberg stated there is no cap on money needed for compliance.

Commissioner Graber asked staff to consider amending the code for measuring the 100-foot rule from lot line to lot line, noting that a business on a large parcel may not operate close to a residential area. He asked if any of these businesses have storm water reporting plans and he questioned the necessity of a clarifier for the small businesses.

Commissioner Schaefer expressed her concern with the poor economy and the financial impact this will have on these small businesses; and she asked if the City can provide any financial assistance.

Planning Manager Repp stated that the City can provide more time for the businesses to comply; that the City's Commercial Rehab program may be of assistance; and that there may be some assistance for those businesses located in a redevelopment project area.

Commissioner Brown pointed out that most of these businesses were informed five years ago of this process and that they should have been saving up for this time; and stated that while this is a sensitive issue, it's in the City's best interest to move forward with this process.

George Lowey, business property owner, expressed his concern this effort will put some small establishments out of business.

Luis Mender, business property owner, stated this effort is causing instability for his tenants because it is not known what will be required of each business; and he highlighted the poor economy and the financial impact upon these businesses.

Ralph Ohanessinze, business property owner, expressed his concern with this effort and the poor economy; requested that the existing establishments be grandfathered in; stated that it will cost him over \$200,000 to comply with what the City is requiring for his property; expressed his belief a clarifier is not necessary for the small businesses; and stated that the City's conditional use permit (CUP) process is expensive.

Planning Manager Repp mentioned there are code enforcement issues with the prior speaker's property.

William Henry, business property owner, stated that the existing establishments should be grandfathered in; expressed his belief the CUP process is expensive, especially with this economy; noted his concern that compliance may put some of these establishments out of business; and pointed out that a lot of these business operators don't own the buildings they are operating from and stated these changes to the properties may be difficult. He noted that some buildings will have to be reconstructed to provide for parking.

Francis Hsu, business property owner, stated he owns one parcel that houses eight auto businesses and questioned whether each business needs to apply for a CUP. He pointed out that this building has been on this site for over 40 years and was there prior to the adjoining condominiums. He stated these existing businesses should be grandfathered in.

Associate Planner Newberg noted for Mr. Hsu that each business on that parcel will have to obtain a CUP.

Mr. Hsu stated that because of the poor economy, the City should postpone this effort for five years.

Don Albin, business property owner, questioned how this will impact the freight forwarding business on his property.

Planning Manager Repp asked Mr. Albin to contact her and Associate Planner Newberg to discuss the situation on his property.

Planning Manager Repp noted for Vice-Chairman Saenz that the City's CUP process is less costly than other cities.

Commissioner Graber expressed his belief a 3-stage clarifier is overkill for small businesses.

Chairman Faletogo noted his support to allow another three to five years for these businesses to comply, highlighting the poor economy.

City Attorney Wynder stated he would not recommend a blanket extension of three to five years, that it should be done on a case-by-case and phased development basis.

Chairman Faletogo noted his concern with the potentially high cost for these upgrades at this time and the hardship it is likely to place upon these small businesses.

Commissioner Verrett expressed her concern with the high cost of signage, landscaping and code compliance in these difficult economic times; and asked staff for further clarification on what they would like to see for landscaping around the mall area.



Commissioner Schaefer stated she'd like to have more information on the financial resources available to these businesses and that these businesses also be given that information.

Planning Commission Decision:

Commissioner Schaefer moved, seconded by Commissioner Brown, to continue this matter to the June 9, 2009, Planning Commission meeting; for staff to clarify the signage recommendations around the shopping mall; that staff provide the Commission with the average cost for new signage; that staff clarify what landscaping is being proposed near the shopping mall and how much that might cost the businesses; and to further explore the necessity of SUSMP requirements on these establishments. Motion unanimously carried.

13. WRITTEN COMMUNICATIONS None

14. MANAGER'S REPORT

Planning Manager Repp welcomed the new Planning Commissioners; mentioned that more workshops will be coming before this body; and she encouraged the Commissioners to do their field work.

15. COMMISSIONERS' REPORTS

Commissioner Schaefer expressed her delight in being on the Planning Commission.

Commissioner Gordon, echoed by Commissioners Verrett, Brimmer, Graber, Brown, welcomed the new Commissioners.

Commissioner Verrett thanked staff for an excellent workshop this evening.

Vice-Chairman Saenz requested, and received, input on the status of the former Fletcher Oil Refinery property, with Planning Manager Repp indicating there are no current proposals for this site.

Commissioner Park noted his delight on being back on the Planning Commission.

Chairman Faletogo thanked staff for their presentations this evening and welcomed the new Commissioners.

16. ADJOURNMENT

At 9:51 P.M. the meeting was formally adjourned to Tuesday, May 26, 2009, 6:30 P.M., City Council Chambers.

Chairperson

Attest By:

Secretary

