



CITY OF CARSON

PLANNING COMMISSION STAFF REPORT

NEW BUSINESS DISCUSSION: July 14, 2009

SUBJECT: Modification No. 1 to Conditional Use Permit No. 729-09

APPLICANT: Roger Neipris
C/o Goodyear Tire Company
P.O. Box 802616
Santa Clarita, CA 91380-2616

REQUEST: Landscaping and signage approval for interior/exterior improvements to a former Goodyear tire sales/repair store on a site located in the CR-D (Commercial, Regional – Design Overlay) zoning district

PROPERTY INVOLVED: 744 E. Dominguez Street

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			

I. Introduction

Property Owner

- P. Kohn Company, 4069 Fulton Dr. N.W. Canton, Ohio, 44718

Project Applicant

- Roger Neipris, C/o Goodyear Tire Company, P.O. Box 802616, Santa Clarita, CA 91380-2616

Project Address

- 744 E. Dominguez Street, Carson, CA 90745

Project Description

- The application includes the following:
 - Landscaping and signage approval for Conditional Use Permit No. 729-09 for interior/exterior improvements to a former Goodyear tire sales/repair store on a site zoned CR-D (Commercial Regional-Design Overlay Review). The new store name is "Just Tires" affiliated with Goodyear Tire Company.

II. Background

On May 26, 2009, Planning Commission approved Conditional Use Permit No. 729-09 to facilitate interior/exterior improvements to a former Goodyear tire sales/repair store with an 8,426-square-foot commercial building. The applicant provided signage and landscaping plans, however, the Planning Commission did not include these in their approval. After a workshop with the Planning Commission on June 9, 2009, the applicant submitted revised landscaping and signage plans which are attached for your consideration.

The proposed landscape plans replaces the existing pine trees with Pigmy Date Palms and Australian Willow Myrtle trees. Two existing Jacaranda trees along the sidewalk planting area will remain. All planting areas will be planted with evergreen ground cover and will have a new automatic irrigation system installed.

Regarding signage, the applicant submitted a letter to the Planning Commission dated June 18, 2009 (Attachment No. 2), requesting to keep the existing business sign. The applicant states that reducing the sign width and height is cost prohibitive and puts the new store at a competitive disadvantage in the local market place. The proposed sign features an illuminated display, new cover and base with accented tiles around the base, and stucco to match the building.

III. Analysis

Location/Site Characteristics/Existing Development

- The subject property is located at 744 E. Dominguez Street.
- The subject site consists of a commercial building with 8,426 square feet that was built in 1974 and is developed with 27 parking spaces.
- Regional Commercial uses surround the subject property.
- The lot has an irregular shape with a lot area of 30,649 square feet.

Zoning/General Plan/Redevelopment Area Designation

- The subject property is zoned CR-D (Commercial Regional-Design Overlay Review) and surrounding properties share the same zoning.
- The subject property has a General Plan Land Use designation of Regional Commercial.

As identified in the May 26, 2009 Planning Commission public hearing, the conditions of approval for "Just Tires" will set a precedence for other auto repair businesses near the South Bay Pavilion (i.e., Pep Boys, America's Tire, Sears, Firestone). At said public hearing, a Goodyear Tire Company representative stated that tire stores along Avalon Boulevard had more traffic and building site exposure than the proposed "Just Tires" store that is hidden on a curved street and away from Avalon Boulevard. Further, businesses along Avalon Boulevard could survive with a monument sign because of their exposure and traffic volume advantage.

Applicable Zoning Ordinance Regulations

The proposed modifications to the CUP are 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:

- Issue – Aesthetic Improvements: 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 South Bay Pavilion Shopping Center. It is staff's opinion that the height of the existing sign is appropriate because of the business' distance from Avalon Boulevard and its location on a curved road. However, it is staff's opinion that reducing the width of the sign would be more appropriate. Staff does not believe this is cost prohibitive because the new sign would require the cabinet to be changed with a new face and electrical wiring.
- - *Mitigation:* The freestanding sign shall be revised so that the width is reduced to a more appropriate scale, as determined by the Planning Manager. The revised sign plan shall be submitted to the Planning Division for review and approval prior to submitting to Building and Safety for plan check.
- Issue – Landscaping: The applicant proposes to remove mature pine trees and replace them with smaller Pygmy Date Palms along the street. It is staff's opinion that Pygmy Date Palms do not provide the same landscape quality as mature pine trees. The Pygmy Date Palms will be much shorter, have less canopy, and take many years to mature.
- - *Mitigation:* The Planning Commission can consider a larger, more appropriate tree along Dominguez Street to replace the mature pine trees, or decide to keep the existing pine trees.

IV. Environmental Review

Pursuant to Section 15301(e), Existing Facilities, of the California Environmental Quality Act (CEQA), the proposed interior/exterior improvements to an existing commercial building 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 and **ADOPT** Resolution No._____, entitled "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON APPROVING MODIFICATION NO. 1 TO CONDITIONAL USE PERMIT NO. 729-09 FOR LANDSCAPING AND SIGNAGE FOR A PROPOSED AUTOMOBILE SALES AND REPAIR BUSINESS LOCATED AT 744 E. DOMINGUEZ STREET."



VI. Exhibits

1. Resolution
2. Applicant letter to Planning Commission dated June 18, 2009
3. Development Plans

Prepared by: _____


Zak González II, Planner

Reviewed by: _____


John F. Signo, AICP, Senior Planner

Approved by: _____


Sheri Repp-Loansman, Planning Manager

CITY OF CARSON
PLANNING COMMISSION
RESOLUTION NO. 09-

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF CARSON APPROVING MODIFICATION NO. 1 TO
CONDITIONAL USE PERMIT NO. 729-09 FOR LANDSCAPING
AND SIGNAGE FOR A PROPOSED AUTOMOBILE SALES AND
REPAIR BUSINESS LOCATED AT 744 E. DOMINGUEZ 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, Roger Neipris, with respect to real property located at 744 E. Dominguez Street, and described in Exhibit "A" attached hereto, requesting the approval of a Conditional Use Permit (CUP No. 729-09) for interior and exterior improvements to a former Goodyear tire sales/repair store in the CR-D (Commercial, Regional-Design Overlay Review) zoning district. The improvements are for a new Just Tires sales and repair business that will be operating at the site.

A public hearing was duly held on May 26, 2009, 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. At said meeting, CUP NO. 729-09 was approved, however, the landscaping and signage were not part of the approval. The Planning Commission heard public testimony on the matter and directed that landscaping and signage be brought back for consideration.

Section 2. On July 14, 2009, Modification No. 1 to CUP No. 729-09 regarding landscaping and signage was brought to the Planning Commission for consideration. 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 Commercial Regional which is compatible with the proposed use. The proposed landscaping and signage will be consistent with the surrounding commercial uses and is appropriate for the subject property.
- b) The project is compatible in design with existing and anticipated development in the vicinity, including the aspects of site planning, land coverage, landscaping, appearance and scale of structures, open spaces, and other features relative to a harmonious and attractive development of the area.
- c) The site is adequate in size, shape, topography, location, utilities, and other factors to accommodate the proposed use and development. The surrounding land uses are primarily light industrial uses and the proposed project is compatible with those uses. The site is 0.7 acres, relatively flat, and is located in a commercial area.
- d) The circulation and street parking on the adjacent public streets will not be adversely impacted since the proposed use at the site for auto repair and sales



will not change. Safety and convenience of vehicular and pedestrian access is provided.

- e) Signage will be attractive and consistent with the surrounding area.
- f) The proposed landscaping and signage 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 not alter the predominantly commercial regional 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(e) of the CEQA (California Environmental Quality Act) Guidelines.

Section 5. Based on the aforementioned findings, the Commission hereby approves the landscaping and signage for Conditional Use Permit No. 729-09 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 14th DAY OF JULY, 2009

CHAIRMAN

ATTEST:

SECRETARY



LEGAL DESCRIPTION

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

PARCEL A:

PARCEL 3 OF PARCEL MAP NO. 3450, IN THE CITY OF CARSON, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP FILED IN BOOK 43, PAGE 33, OF PARCEL MAPS, IN THE OFFICE OF THE RECORDER OF SAID COUNTY, BEING A SUBDIVISION OF PARCEL 3 OF PARCEL MAP 2540, IN THE CITY OF CARSON, IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP FILED IN BOOK 38, PAGE 6, OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPT ALL 100 PER CENT OF THE OIL, GAS, PETROLEUM AND OTHER HYDROCARBON SUBSTANCES WHICH LIE BELOW A PLANE PARALLEL TO AND 500 FEET BELOW THE NATURAL SURFACE OF SAID LAND WITHOUT, HOWEVER, ANY RIGHT TO ENTER UPON THE SURFACE OF SAID LAND TO EXPLORE FOR, DEVELOP OR REMOVE SAID SUBSTANCES, BUT WITH FULL RIGHT TO EXPLORE FOR, DEVELOP AND REMOVE THE SAME BY MEANS OF WELLS OR EQUIPMENT, HAVING SURFACE LOCATIONS OUTSIDE THE OUTER BOUNDARIES OF SAID REAL PROPERTY, AS EXCEPTED IN THE DEED FROM DEL AND ESTATE COMPANY, A CORPORATION, RECORDED NOVEMBER 8, 1963, IN BOOK C-2250, PAGE 752, OFFICIAL RECORDS.

PARCEL B:

A NON EXCLUSIVE EASEMENT FOR INGRESS, EGRESS, SANITARY SEWER, DRAINAGE AND UTILITY PURPOSES OVER THE NORTHWESTERLY 10 FEET MEASURED AT RIGHT ANGLES, OF PARCEL 4 OF PARCEL MAP 2540, IN THE CITY OF CARSON, IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP FILED IN BOOK 38, PAGE 6, OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

APN: 7381-025-035

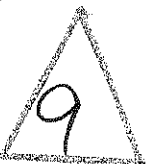


CITY OF CARSON
ECONOMIC DEVELOPMENT
PLANNING DIVISION
EXHIBIT "B"
CONDITIONS OF APPROVAL
FOR LANDSCAPING AND SIGNAGE

MODIFICATION NO. 1 TO CONDITIONAL USE PERMIT NO. 729-09

GENERAL CONDITIONS

1. If a business license permit for said use is not issued within one year of the date of approval of Conditional Use Permit No. 729-09, 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 owner/applicant shall submit a landscape and irrigation plan. Said plan shall illustrate the planting of new shrubs, flowering evergreen ground cover, and trees. All trees and new shrubs planted shall be maintained by an automatic drip irrigation system. Mature trees shall remain subject to the satisfaction of the Planning Division.
9. The freestanding sign shall be revised so that the width is reduced to a more appropriate scale, as determined by the Planning Manager. The revised sign plan shall be submitted to the Planning Division for review and approval prior to submitting to Building and Safety for plan check.



THE GOODYEAR TIRE & RUBBER COMPANY
REAL ESTATE DEPT. - WEST REGION
P. O. BOX 802616
SANTA CLARITA, CA 91380-2616
PHONE: (661) 259-5427, FAX: (661) 259-1943

June 18, 2009

City of Carson
Planning Commission
c/o: Zak Gonzalez II, Associate Planner
Economic Development/Planning Division
701 E. Carson Street
Carson, CA 90749

Re: CUP for proposed Just Tires at 744 E. Dominguez St., Carson, CA

Dear City of Carson Planning Commission:

The Goodyear Tire & Rubber Company hereby requests that it be allowed to retain the existing height and width of the existing pole sign for the above referenced premises. The cost to cut down the width of the existing sign can on top of the pole is extremely prohibitive. Furthermore, any reduction in width and height of the existing pole sign puts the new store at a Competitive disadvantage in the local market place. Our location on Dominguez Street does not have the same visibility and traffic counts that exist on Avalon Blvd where many of our competitors are located. To put it simply, less visibility = less sales = less sales tax revenue for the City of Carson.

Please note the sign features a professional design with illuminated display signage, new updated cover and base with accented tiles around the base and stucco skin coat to match the building.

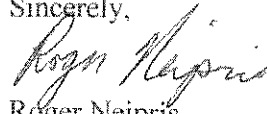
Further we have submitted an architecturally designed landscape plan that compliments the redevelopment featuring parking lot shade trees, low level palms along Dominguez Street, plus accented planting in the planters all with an automatic irrigation system.

The above demonstrates a visually pleasant design with an inviting environment for the public.

Please understand we are requesting to be on the July 14, 2009 hearing for approval due to the risk of the developer being able to close the escrow so we may proceed with the redevelopment or the property.

Thank you for your consideration of our request.

Sincerely,



Roger Neipris
Real Estate Manager

Exhibit 2

