



# CITY OF CARSON PLANNING COMMISSION STAFF REPORT

NEW BUSINESS DISCUSSION: January 8, 2013

SUBJECT: Conditional Use Permit No. 797-10

APPLICANT: Joseph Gan  
20840 S. Main Street  
Carson, CA 90745

REQUEST: To consider a modification to Conditional Use Permit No. 797-10 for an auto repair business on a dual-zoned lot in the ML-D/RS (Manufacturing, Light Design Overlay/ Residential, Single-family) zoning district

PROPERTY INVOLVED: 20840 South Main Street

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### COMMISSION ACTION

Concurred with staff  
 Did not concur with staff  
 Other

### COMMISSIONERS' VOTE

AYE	NO		AYE	NO	
		Chairman Faletogo			Goolsby
		Vice-Chair Verrett			Gordon
		Brimmer			Saenz
		Diaz			Schaefer

***Item No. 13A***

## I. Introduction

At the January 10, 2012 Planning Commission meeting, the Planning Commission approved Resolution No. 12-2418 which included a performance schedule that addressed known issues of concern related to the auto repair use, including unpermitted structures, uses on the subject property and various zoning code inconsistencies found on the property. Conditions of approval included requirements with performance timelines ranging from 30 days to 1 year from the date of the Planning Commission meeting of January 10, 2012. The applicant requests approval to modify the performance schedule to complete all required corrections and improvements.

## II. Background/Analysis

### *Performance Standards*

The following performance standards have been completed or are in the process of being complete:

- The applicant has submitted for sign permits and has removed a majority of the unpermitted signage.
- The applicant has submitted for demolition/occupancy permits for the unpermitted additions and structures which include a carport, patio cover and a nonconforming residential use. The demolition/occupancy permits for the unpermitted structures have been reviewed by Building and Safety and are awaiting Planning approval.
  - Demolished: carport, patio cover
  - Occupancy permit: nonconforming residential use to storage use
- The applicant has submitted a landscaping plan and has installed required landscaping and irrigation.
- The applicant has completed a majority of the façade improvements including resurfacing and repainting.
- A lot line adjustment has been submitted and is currently being reviewed by the City's Engineering Department. This lot line adjustment will separate the industrial portion of the property from the easterly portion that is zoned only for residential use.
- The applicant and adjoining property owner at 20836 South Main Street have replaced the chain link fencing on the northwest property line with wrought-iron fencing.

The remaining performance standards, which include reroofing, parking space striping and construction of a concrete wall to separate the dual-zoned property, remain outstanding and have passed the required completion date. The applicant has submitted a modification to CUP No. 797-10 to allow the applicant more time to complete the performance standards. Staff recommends that the applicant complete all performance standards within 30 days from tonight's meeting. In addition, staff recommends that other development standards not included in the original conditions



of approval, including providing a trash enclosure door, constructing a 42-inch high fence in the front yard setback of the newly-sized residential property, removal of outdoor storage on the residential property, and securing of the residential property, be completed within 60 days of Planning Commission approval. These are code requirements that are typically required of the new development. As such, staff has revised Resolution No. 12-2418 to show the proposed extended due dates for the remaining performance standards and new due dates for additional performance standards.

**III. Recommendation**

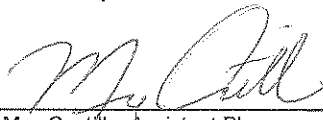
That the Planning Commission:

- **APPROVE** Modification No. 1 to Conditional Use Permit No. 797-10; and
- **WAIVE** further reading and **ADOPT** a minute resolution approving Modification No. 1 to Conditional Use Permit No. 797-10 amending Resolution No. 12-2418 to allow the applicant more time to complete the performance standards.


**IV. Exhibits**

1. Amended Resolution No. 12-2418
2. Revised Development Plans

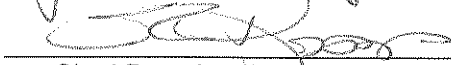
Prepared by:

  
Max Castillo, Assistant Planner

Reviewed by:

  
John F. Signo, AICP, Senior Planner

Approved by:

  
Sheri Repp-Loadsman, Planning Officer

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CITY OF CARSON  
PLANNING COMMISSION  
RESOLUTION NO. 12-2418

A RESOLUTION OF THE PLANNING COMMISSION OF THE  
CITY OF CARSON APPROVING CONDITIONAL USE PERMIT  
NO. 797-10 FOR A CONTINUED AUTO REPAIR USE LOCATED  
AT 20840 MAIN STREET

THE PLANNING COMMISSION OF THE CITY OF CARSON, CALIFORNIA,  
HEREBY FINDS, RESOLVES AND ORDERS AS FOLLOWS:

**Section 1.** An application was duly filed by the applicant, Gan's Automotive Repair, with respect to real property located at 20840 S. Main Street, and described in Exhibit "A" attached hereto, requesting the approval of a Conditional Use Permit No. 797-10 to authorize an existing auto repair use in an ML-D/RS (Manufacturing, Light – Design Overlay, Residential, Single-family) zoning district. Pursuant to Sections 9138.2 and 9182.22 of the CMC, a conditional use permit is required for any vehicle service and repair use located within 100 feet of a residential zone district.

Public hearings were duly held on December 13, 2011, and January 10, 2012 at 6:30 P.M. at City Hall, Council Chambers, 701 East Carson Street, Carson, California. A notice of time, place and purpose of the aforesaid meeting was duly given.

**Section 2.** Evidence, both written and oral, was duly presented to and considered by the Planning Commission at the aforesaid meeting.

**Section 3.** The Planning Commission finds that:

- a) The General Plan designates the property as Light Industrial which is compatible with the proposed use.
- b) The project is compatible in design with existing and anticipated development in the vicinity, including the aspects of site planning, land coverage, landscaping, appearance and scale of structures, open spaces, and other features relative to a harmonious and attractive development of the area.
- c) The site is adequate in size, shape, topography, location, utilities, and other factors to accommodate the proposed auto repair use. The surrounding land uses are primarily light industrial and single-family residential uses with which the proposed project is compatible. The site is 0.26 acre, relatively flat, and is located in a dual-zoned circumstance with the west side under ML-D and east side under RS zoning. The auto repair use and appurtenant facilities are located entirely on the west side of the property. The east side is currently vacant.
- d) The circulation and street parking on the adjacent public streets will not be adversely impacted since there is adequate vehicular circulation and parking spaces provided for the proposed auto repair use. Safety and convenience of vehicular and pedestrian access is provided. There is adequate street access from the driveway off of Main Street on the west side of the property.

\*On January 8, 2013, the Planning Commission approved Modification No. 1 to CUP No. 797-10 granting the applicant more time to complete the performance standards.



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

**Section 4.** The Planning Commission further finds that the proposed use will not have a significant effect on the environment. The proposed use will meet or exceed all City standards for protection of the environment. Therefore, the proposed project is found to be categorically exempt under Section 15301(e) of the CEQA (California Environmental Quality Act) Guidelines.

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

**Section 6.** The Secretary shall certify to the adoption of the Resolution and shall transmit copies of the same to the applicant.

**Section 7.** This action shall become final and effective fifteen days after the adoption of this Resolution unless within such time an appeal is filed with the City Clerk in accordance with the provisions of the Carson Zoning Ordinance.

**PASSED, APPROVED AND ADOPTED THIS 10<sup>th</sup> DAY OF JANUARY, 2012**

  
**CHAIRMAN**

**ATTEST:**

  
**SECRETARY**



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

Property Address: 20840 S. Main Street

Parcel Identification Number: 7336-016-040

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



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

**CONDITIONS OF APPROVAL<sup>1</sup>**

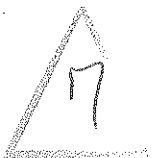
**CONDITIONAL USE PERMIT NO. 797-10**

GENERAL CONDITIONS

1. If a business license permit for the automotive repair and smog check use is not issued within one year of the date of approval of Conditional Use Permit No. 797-10, said permit shall be declared null and void unless an extension of time is requested prior to expiration and approved by the Planning Commission.
2. Upon activation, the Conditional Use Permit shall become automatically null and void if said use has been suspended or has ceased to exist for a period of one year, unless an extension of time is requested prior to expiration and approved by the Planning Commission.
3. The approved Resolution, including the Conditions of Approval contained herein, and signed Affidavit of Acceptance, shall be copied in their entirety and placed directly onto a separate plan sheet behind the cover sheet of the development plans prior to Building and Safety plan check submittal. Said copies shall be included in all development plan submittals, including any revisions and the final working drawings.
4. The applicant shall comply with all city, county, state and federal regulations applicable to this project.
5. The applicant shall make any necessary site plan and design revisions to the site plan and elevations approved by the Planning Commission in order to comply with all the conditions of approval and applicable Zoning Ordinance provisions. Substantial revisions will require review and approval by the Planning Commission. Any minor revisions shall be reviewed and approved by the Planning Division prior to Building and Safety plan check submittal.
6. The applicant and property owner shall sign an Affidavit of Acceptance form and submit the document to the Planning Division within 30 days of receipt of the Planning Commission Resolution.
7. It is further made a condition of this approval that if any condition is violated or if any law, statute ordinance is violated, this permit may be revoked by the Planning Commission or City Council, as may be applicable; provided the applicant has been given written notice to cease such violation and has failed to do so for a period of thirty days.

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<sup>1</sup>On January 8, 2013, the Planning Commission approved Modification No. 1 to CUP No. 797-10 granting the applicant more time to complete the performance standards. Additions are underlined and deletions stricken.



8. The applicant shall submit two complete sets of plans that conform to all the Conditions of Approval to be reviewed and approved by the Planning Division prior to the issuance of a building permit.
9. All existing uses not described in this Resolution shall cease operations effective immediately, including residential uses on the ML-zoned portion of the subject property and uncovered outdoor storage. The continued operation of such unpermitted uses is subject to Code Enforcement action. All future uses shall be in compliance with applicable regulatory requirements. Future development plans for a residential use on the east side, RS (Residential, Single-Family) zoned portion of the subject lot, are required to obtain development plan approval by the Planning Division, or such other required permitting procedure applicable to the property at that time.
10. Applicant shall defend, indemnify and hold harmless the City of Carson, its agents, officers, or employees from any claims, damages, action, or proceeding against the City or its agents, officers, or employees to attack, set aside, void or annul, and approval of the City, its advisory agencies, appeal boards, or legislative body concerning Conditional Use Permit No. 797-10. The City will promptly notify the Applicant of any such claim, action, or proceeding against the City and the Applicant will either undertake defense of the matter or pay the City's associated legal costs or will advance funds to pay for defense of the matter by the City Attorney. The City will cooperate fully in the defense. Notwithstanding the foregoing, the City retains the right to settle or abandon the matter without the Applicant's consent but should it do so, the City shall waive the indemnification herein, except, the City's decision to settle or abandon a matter following an adverse judgment or failure to appeal, shall not cause a waiver of the indemnification rights herein.

#### PERFORMANCE STANDARDS

11. Conditional Use Permit No. 797-10 shall be subject to a full review by the Planning Commission 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.
12. 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.
13. 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.





14. Within 30 days from the date of CUP approval, the applicant shall remove all unpermitted on-site signage. 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.
15. Within 14 days of Modification No. 1 of this CUP ~~30 days of CUP approval~~, a demolition permit(s) shall be issued for removal of all existing improvements constructed without benefit of building permits. Such demolition shall be complete and a final for such permit shall be given within 30~~60~~ days of issuance of said demolition permit(s).
16. A façade improvement plan which includes resurfacing, if necessary, repainting, new signage, and re-roof shall be submitted to the Planning Division within 60 days of CUP approval.
17. The applicant/owner shall submit a landscape and irrigation plan prior to the issuance of a building permit (or within 60 days of CUP approval if no building permit is needed) identifying the planting of ground-cover along a five-foot wide landscaped frontage along the southwest corner of the property fronting Main Street and a section along the northwest corner, subject to Planning Division review and approval. The approved landscaping shall be installed within 90 days of landscape plan approval. The new groundcover and shrubs shall be maintained by an automatic drip irrigation system. Failure to maintain landscaping will result in Code Enforcement action against the property owner.
18. Within 30 ~~60~~ days of Modification No. 1 to this CUP ~~from the date of CUP approval~~, the owner/applicant shall repair cracks and uneven surfaces, and re-slurry and re-stripe the parking area for the appropriate number of vehicular, including handicapped parking spaces and bumper stops as called for in the Carson Municipal Code, and in accordance to Americans With Disabilities Act (ADA) requirements and to a plan submitted by the applicant to the city, subject to review and approval by the Planning Division.
19. Within 30~~60~~ days of Modification No. 1 to this CUP~~from the date the façade improvement plan is approved~~, the applicant shall complete all façade improvements according to the approved plan.
20. An occupancy permit shall be obtained for the existing non-conforming residential structure within 30~~90~~ days of Modification No. 1 to this CUP approval. A revised development plan is required to be submitted which depicts either: 1) the new occupancy assignment for the structure and required parking area; or, 2) demolition of the structure. Removal of gas and water utility connections (or proper capping thereof) is required if the structure will be used for storage.
21. In accordance with Ordinance No. 04-1322, all recommendations identified in the building inspection report submitted for the property, which includes plans to eliminate or mitigate any existing building, plumbing, electrical and fire code deficiencies on or within the subject commercial building, shall be completed within 120 days of approval of this Conditional Use Permit. The applicant shall

notify the Planning Division once the improvements are complete for compliance with this condition.

22. The applicant shall participate with the adjoining property owner at 20836 Main Street to cause the chain link fencing on the northwest property line to be removed and replaced with wrought-iron fencing within 120 days of CUP approval, subject to Planning Division review and approval. Failure to obtain an agreement with the adjacent property owner shall result in the applicant being responsible for the installation of a wrought-iron fence on the subject property within the same time period.
23. Within 30 days of Modification No. 1 to this CUP ~~nine (9) months of CUP approval~~, a six-foot high concrete block wall shall be erected along the midpoint (approximately 110-foot mark) of the two properties comprising the subject property. Plans for the wall shall be reviewed and approved by the Planning Division prior to construction. All other fences or walls are required to be consistent with Section 9146.7 of the Carson Municipal Code concerning fences, walls and hedges. The Planning Division may authorize an extension ~~beyond nine (9) months~~, if necessary, to allow time for the applicant to complete the lot line adjustment process per Condition No. 30.
24. Within 30 days of Modification No. 1 to this CUP ~~12 months from the date of CUP approval~~, the owner/applicant must request and pay for a site inspection to the Planning Division.
25. 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.
- ~~26. The applicant may not submit for an extension of time.~~

#### BEST MANAGEMENT PRACTICES

27. The owner/applicant shall provide for public use above ground storage tanks to hold used automotive oil for recycling purposes in accordance to industry "Best Management" practices and in compliance with the State Department of Conservation/Cal-Recycle program. The Planning Division shall approve the location and signage for company "used oil recycling" services.
- 28(a). The owner/applicant shall comply with the Standard Urban Storm Water Plan (SUSMP) requirements. Owner/applicant shall coordinate with the city's Development Services Department, Public Works Division.
- 28(b). Within 30 days of Modification No. 1 to this CUP, the owner/applicant shall provide a trash enclosure door for the existing trash enclosure, construct a 42-inch high fence in the front yard setback of the newly-sized residential property, remove outdoor storage on the residential property and secure the residential property.



ENGINEERING SERVICES DEPARTMENT - CITY OF CARSON

28. Prior to issuance of a Building Permit, Proof of Worker's Compensation and Liability Insurance must be on file with the Los Angeles County Building and Safety Department.
29. The applicant/owner shall obtain approval of ~~submit~~ a lot line adjustment application, and application for a certificate of compliance if found to be necessary to complete the lot line adjustment, within 30 days of Modification No. 1 to this CUP ~~90 days of CUP approval~~.

BUSINESS LICENSE DEPARTMENT – CITY OF CARSON

30. 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 AS AMENDED ON JANUARY 8, 2013

Deadline (From January 8, 2013, unless otherwise noted)	Performance Standards
14 days	Obtain demolition permit(s) for any unpermitted structure, if not already done so.
30 days	Remove all unpermitted structures pursuant to demolition permit requirements.
30 days	Complete remaining façade improvement s including reroofing
30 days	Obtain approval of a lot line adjustment application from the Engineering Department.
30 days	Provide striping for parking spaces and meet ADA requirements.
30 days	Obtain occupancy permit for the existing non-conforming residential structure, including a revised development plan which depicts either: 1) the new occupancy assignment for the structure and required parking area; or, 2) demolition of the structure. Removal of gas and water utility connections (or proper capping thereof) and removal of unpermitted exterior and interior walls is required if the structure will be used for storage
30 days	Install a six-foot high concrete block wall at 120-foot (industrial)/100-foot mark (residential) of the two properties comprising the subject property. Plans for the wall shall be reviewed and approved by the Planning Division prior to construction.
30 days	Complete other development standards not included in the original conditions of approval which include providing a trash enclosure door, constructing a 42-inch high fence in the front yard setback of the newly-sized residential property, removal of outdoor storage on the residential property, and securing of the residential property.
30 days	Applicant shall request a site inspection by the Planning Division and pay applicable fees.

