



AGENDA MEMO

CITY COUNCIL MEETING DATE: OCTOBER 15, 2008

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: RQR-29762 - REQUIRED REVIEW - PUBLIC HEARING -

APPLICANT/OWNER: KOUTNOUYAN LIVING TRUST

**** CONDITIONS ****

STAFF RECOMMENDATION: APPROVAL, subject to:

1. Conformance to all Conditions of Approval for Special Use Permit (SUP-3128)

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Required Six Month Review of an approved Special Use Permit (SUP-3128), which allowed Auto Parts (New and Rebuilt) (Accessory Sales and Service) and Auto Repair Garage, Minor located at 4401 Stewart Avenue.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
01/21/04	The City Council approved a request for a Special Use Permit (SUP-3128) for Auto Parts (New and Rebuilt) (Accessory Sales and Service) and Auto Repair Garage, Minor at 4401 Stewart Avenue. The Planning Commission recommended approval on 11/20/03.
06/15/05	A Required Six Month Review (RQR-6262) for an approved Special Use Permit (SUP-3128), which allowed for Auto Parts (New and Rebuilt) (Accessory Sales and Service) and Auto Repair Garage, Minor at 4401 Stewart Avenue was tabled at City Council.
07/13/04	A Zoning Verification Letter (ZON-4803) for Special Use permit (SUP-3128) to confirm the six-month probation process begins after the business license is issued was processed on 7/8/04 and was finalized on 7/13/04
04/13/04	A vehicle infraction case (#12677) was processed on 4/13/04 for having a Bronco for sale in the parking lot. The case was closed on 4/13/04.
04/21/04	A vehicle infraction case (#13422) was processed on 4/21/04 for a vehicle for sale in the parking lot. The case was closed 4/21/04.
6/29/04	A Code Enforcement case (#17341) was processed on 6/29/04 for the tire shop not meeting the landscape requirements imposed by City Council. The case was closed 7/13/04.
08/03/04	A vehicle infraction case (#18028) was processed on 7/14/04 per Metro Green Card P#5871 for an abandoned Honda Accord with no plates. The case was closed 8/3/04.
12/20/06	A Code Enforcement case (#47462) was processed on 10/26/06 for the business working outside the scope of zoning. The case was closed 12/20/06.
05/27/08	A Code Enforcement case (#62506) was processed on 2/20/08 for signage/storage/business outside the bays. The case was closed 5/27/08.
09/04/08	A Code Enforcement case (#69360) was processed for the tire shop having storage in public view. The case was closed 09/24/08.
<i>Related Building Permits/Business Licenses</i>	
05/06/08	A building permit (#8000140) was issued for a 65 square-foot vinyl sign.

09/29/04	A business license (G02-00772) was issued for an Auto Repair Garage, Minor. The license is still active.
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10/20/04	A building permit (#4018573) was issued for Tenant Improvements for a Certificate of Occupancy. The permit was finalized on 10/20/04.
<i>Pre-Application Meeting</i>	
A pre-application meeting is not required for this type of application request, nor was one held.	
<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required for this type of application request, nor was one held.	

<i>Field Check</i>	
09/19/08	A field check was conducted of the auto shop. There was no outside storage visible, the area looked clean, and the landscaping was well maintained. There were no abandoned or disabled vehicles parked around the facility.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	0.36 acres

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Auto Repair Garage, Minor	SC (Service Commercial)	C-1 (Limited Commercial)
North	Retail Establishments	SC (Service Commercial)	C-1 (Limited Commercial)
South	Offices/ Single-Family Dwelling	Office/ L (Low Density Residential)	P-R (Professional Offices)/ R-1 (Single Family Residential)
East	Mini-Storage Facility	SC (Service Commercial)	C-1 (Limited Commercial)
West	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan		X	N/A
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts		X	N/A
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

ANALYSIS

Since the initial approval of the Special Use Permit (SUP-3128) that allowed Auto Parts (New and Rebuilt) (Accessory Sales and Service) and Auto Repair Garage, Minor at 4401 Stewart Avenue, there was a required six-month review (RQR-6262) that was scheduled for 06/15/05, but was Tabled. The following conditions of approval for Special Use Permit SUP-3128 are listed below.

Conditions of Approval of Special Use Permit (SUP-3128):

1. The hours of operation shall be from 8:00 a.m. to 6:00 p.m.
2. A trash dumpster shall be located and fully enclosed to meet Title 19 standards.
3. No signage shall be placed on the lawn or landscaped areas.
4. There shall be no outside displays.
5. The Special Use Permit shall be reviewed in six months by City Council.
6. This Special Use Permit shall expire one year from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.
7. Prior to the issuance of a Certificate of Occupancy, the owners of parcels APN 140-32-201-001 and APN 140-32-201-002 must execute an Off-Site Parking Agreement or similar document, satisfactory to the City Attorney, allowing for the use of five additional parking spaces for the subject site.
8. A landscaping plan showing shrubs in conformance to Code standards must be submitted and approved by the Planning and Development Department Staff prior to or at the same time application is made for a building permit.
9. Landscaping and a permanent underground sprinkler system shall be installed as required by the Planning Commission or City Council and shall be permanently maintained in a satisfactory manner. [Failure to properly maintain required landscaping and underground sprinkler systems shall be cause for revocation of a business license.
10. All repair, service, and installation work shall be performed within a completely enclosed building.
11. No used or discarded automotive parts or equipment shall be located in any open area outside of an enclosed building.
12. No outside storage of stock, equipment, or residual used equipment shall be located in any open area outside of an enclosed building.

13. All disabled vehicles shall be stored in an area, which is screened from view from the surrounding properties and adjoining streets. Vehicles shall not be stored on the property longer than 45 days.
14. All City Code requirements and design standards of all City departments must be satisfied.
15. Dedicate an additional 29 feet of right-of-way for a total radius of 54 feet on the northeast corner of Stewart Avenue and Lamb Boulevard prior to the issuance of any permits as required by the Department of Public Works. Alternatively, the applicant may grant a traffic signal chord easement on the northeast corner of Stewart Avenue and Lamb Boulevard; coordinate with the Right-of-Way Section of the department of Public Works for assistance in the preparation of appropriate documents prior to the issuance of any permits for this site.
16. Provide a copy of a recorded Joint Access and Parking Agreement between this site and the adjoining parcel to the north prior to the issuance of any permits.

FINDINGS

The applicant has met all conditions of approval as outlined in the Special Use Permit (SUP-3128). On September 18, 2008, a site inspection was conducted and photos were taken. The inspection revealed the Auto Repair Garage (tire store and auto accessory sales) site was operating in a manner that projected a clean and neat appearance. Located in the rear of the facility, the trash dumpster was in an enclosure area in compliance with Title 19. Unauthorized signage was not posted on the exterior of the facility or in the surrounding areas. The landscaping along the perimeters appeared to comply with the requirements of the original conditions, and was well maintained. As noted in the previous Required Review (RQR-6262), the owner has met the requirement for providing a Joint Access and Parking Agreement to allow access and parking into the adjacent shopping center. Additionally, the applicant was issued a business license, which is still active. Staff recommends no further review of this site.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED N/A

ASSEMBLY DISTRICT N/A

SENATE DISTRICT N/A

NOTICES MAILED 418

APPROVALS 0

