



AGENDA MEMO

CITY COUNCIL MEETING DATE: NOVEMBER 04, 2009

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: RQR-36189 - REQUIRED REVIEW SPECIAL USE PERMIT

APPLICANT: EI COMPA TIRES - OWNER: ARMENIAN & KOUTNOUYAN

**** CONDITIONS ****

STAFF RECOMMENDATION: DENIAL. If approved, subject to:

Planning and Development

1. Conformance to the conditions of approval for Special Use Permit (SUP-3128).
2. This Special Use Permit (SUP-3128) shall be reviewed in one year by the City Council.
3. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is the third Required Review of a previously approved Special Use Permit (SUP-3128) for an Auto Repair Garage, Minor located on the northeast corner of Stewart Avenue and North Lamb Boulevard.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
09/07/77	The City Council approved a request for Rezoning (Z-0075-77) from R-E (Residence Estates) to C-1 (Limited Commercial) of property generally located on the northeast corner of Lamb Boulevard and Stewart Avenue. The Planning Commission recommended approval on 08/11/97.
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 a proposed Auto Repair Garage, Minor located at 4401 Stewart Avenue. The Planning Commission recommended approval on 11/20/03.
04/13/04	A Vehicle Infraction (12677) was processed for a vehicle for sale in the parking lot at 4401 Stewart Avenue. Code Enforcement closed the case on 04/13/04.
04/21/04	A Vehicle Infraction (13422) was processed for a vehicle for sale in the parking lot of 4401 Stewart Avenue. Code Enforcement closed the case on 04/21/04.
06/29/04	A Code Enforcement case (17341) was processed for a Tire Shop at 4401 Stewart Avenue not meeting the landscaping conditions imposed by the City Council. Code Enforcement closed the case on 07/13/04.
07/14/04	A Vehicle Infraction (18028) was processed for an abandoned blue Honda Accord without plates at 4401 Stewart Avenue. Code Enforcement closed the case on 08/03/04.
10/26/06	A Code Enforcement case (47462) was processed for a Tire Shop working outside the scope of zoning at 4401 Stewart Avenue. Code Enforcement closed the case on 12/20/06.
02/20/08	A Code Enforcement case (62506) was processed for signs/storage/business outside the bays at 4401 Stewart Avenue. Code Enforcement closed the case on 05/27/08.
09/04/08	A Code Enforcement case (69360) was processed for a Tire Shop having storage in public view at 4401 Stewart Avenue. Code Enforcement closed the case on 09/24/08.

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
10/15/08	The City Council approved a request for a Required Review (RQR-29762) of a previously approved Special Use Permit (SUP-3128) for Auto Parts (New and Rebuilt) (Accessory Sales and Service) and a proposed Auto Repair Garage, Minor located at 4401 Stewart Avenue.
05/06/09	The City Council approved a request for a Required Review (RQR-33579) of a previously approved Special Use Permit (SUP-3128) for Auto Parts (New and Rebuilt) (Accessory Sales and Service) and a proposed Auto Repair Garage, Minor located at 4401 Stewart Avenue.
<i>Related Building Permits/Business Licenses</i>	
07/27/04	A building permit (4018573) was issued for tenant improvements for a Certificate of Occupancy: change of use at 4401 Stewart Avenue. The permit was finalized on 10/20/04.
08/20/07	A business license (G02-00772) was issued for an Auto Repair Garage, Minor at 4401 Stewart Avenue. The license is still active.
05/06/08	A building permit (8000140) was issued for a 65-foot sign at 4401 Stewart Avenue.
<i>Pre-Application Meeting</i>	
A pre-application meeting is not required for this type of application, nor was one held.	
<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required for this type of application, nor was one held.	

<i>Field Check</i>	
10/12/09	Staff conducted a field check of the subject site with the following observations: • The perimeter landscaping was in good condition. • There was some graffiti on the upper east end of the building. • There were four (4) small neon green signs on the front of the building that are not permitted, along with an advertising banner near one of the bay entrances. • Tires and rims were on display in the front of the building outside the bay entrances.

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

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 Establishment and Tavern	SC (Service Commercial)	C-1 (Limited Commercial)

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
South	Office	O (Office)	P-R (Professional Office and Parking Lot)
	Single Family Residences	L (Low Density Residential)	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

This is the third Required Review of a previously approved Special Use Permit (SUP-3128) for an Auto Parts (New and Rebuilt) (Accessory Sales and Service) and a proposed Auto Repair Garage, Minor located at 4401 Stewart Avenue. Staff conducted a field inspection of the subject site on 10/12/09 and found several unauthorized signs, graffiti on the top portion of the building, and tires and rims displayed outside the building.

The following conditions of approval for Special Use Permit (SUP-3128) are listed below:

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 landscape 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 system 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

During the site inspection on 10/12/09, the applicant was in violation of Condition #1, #3, and #4 of the approved Special Use Permit (SUP-3128). The sign above the bay entrances 24-hour LLANTERA advertises service after the approved business hours. The unauthorized signage consisted of four (4) neon green signs and one (1) banner on the front of the building by the bay entrances. The outside display of products consisted of a stack of tires under a plastic cover (TOVO Tires), along with tires and rims on display outside the bay entrances. As the applicant is in violation of the Conditions of Approval of the Special Use Permit (SUP-3128), staff is recommending denial.

<u>NEIGHBORHOOD ASSOCIATIONS NOTIFIED</u>	N/A
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<u>ASSEMBLY DISTRICT</u>	N/A
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<u>SENATE DISTRICT</u>	N/A
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<u>NOTICES MAILED</u>	420
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<u>APPROVALS</u>	0
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<u>PROTESTS</u>	0
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