



CITY OF CARSON

PLANNING COMMISSION STAFF REPORT

NEW BUSINESS CONSENT: September 23, 2008
SUBJECT: Modification No. 3 to Design Overlay Review No. 848-04
APPLICANT: Carson Toyota
1333 E. 223rd Street
Carson, CA 90745
REQUEST: Modification to the approved site plan to accommodate an above-ground fuel storage tank and to modify Condition No. 91 of Exhibit "B" of Redevelopment Agency Resolution No. 05-17, regarding a required right-of-way dedication along Lucerne Street.
PROPERTY INVOLVED: 1333 E. 223rd Street

COMMISSION ACTION

- Concurred with staff
 Did not concur with staff
 Other

COMMISSIONERS' VOTE

AYE	NO		AYE	NO	
		Chairman Faletogo			Cannon
		Vice-Chair Saenz			Graber
					Verrett

Item No. 9C

I. **Introduction**

Carson Toyota has recently completed construction of a new 138,000-square-foot dealership building. Related parking lot and landscaping improvements elsewhere on the subject lot, including the proposed above-ground fuel storage tank, are in their final stages of development and are expected to be completed within 30-45 days. A technical error on the construction drawings regarding the actual right-of-way width and property line location along the western edge of the subject property facing Lucerne Street has resulted in the six-foot, concrete/masonry wall being constructed within the required right-of-way dedication area. Toyota expects to be finished with all construction-related activities soon, and wishes to resolve all outstanding issues regarding the wall location so that they can receive final clearance. They have requested to modify condition no. 91 related to the required right-of-way dedication area along Lucerne Street to reduce the required dedication from 5 feet to 3 feet. Also, Toyota is requesting approval of a modified development plan which depicts the location of the proposed 12,500 gallon above-ground fuel tank to be located within the northeast quadrant of the subject property.

II. **Background**

On April 12, 2005, Planning Commission approved Conditional Use Permit No. 570-04, and Variance No. 467-04, and recommended approval of Design Overlay Review (DOR) No. 848-04 to the City of Carson Redevelopment Agency for the construction of the new Carson Toyota Dealership, a car wash, and reduced side yard setback from 10 feet to 5 to 7 feet along the Lucerne Street. The Redevelopment Agency approved Resolution No. 05-17 for DOR No. 848-04 on May 3, 2005. Modification No. 1 to DOR No. 848-04, approved by the Planning Commission on December 13, 2005, included an alternate site layout and building design which was eventually discarded by the applicant. Modification No. 2 to DOR No. 848-04, which was approved by Planning Commission January 31, 2006, included a larger main building and modified phasing plan.

Ultimately, development plans were approved for construction of the original 138,000 square-foot main sales building in September 2006, which included the proposed wall in its current location. Off-site improvement plans were received by Engineering staff earlier this year which portrayed a deficient right-of-way and led to further investigation of the issue. During this time, construction was started on the wall according to the previously approved set of plans. Typically, off-site improvement plans are approved prior to actual construction of the improvements, unless a bond in the amount equal to those improvements is posted. Although Toyota posted the appropriate bond amount in-lieu of the required improvements, the right-of-way dedication required by Condition No. 91 was not accounted for in any of the plans. Condition no. 91 required a right-of-way dedication of five feet along Lucerne Street. To date, the dedication has yet to be made and the wall location is still two feet into the required dedication area. Therefore, instead of a potential 60-foot wide collector street, the minimum width as defined by the General Plan, the ultimate right-of-way width can only be a maximum of 58 feet.

Analysis

General Plan, Transportation and Infrastructure Element

Exhibit TI-3, Current Master Plan of Highways (Exhibit No. 1), identifies Lucerne Street as a collector street. Section 3.2 states that collector streets require a *minimum* right-of-way width of 60 feet. Ideally, the General Plan calls for a collector street to have a 12-foot wide parkway consisting of a four-foot wide sidewalk and an 8-foot wide strip of landscaping on either side of a 40-foot wide street, for a total width of 64 feet. This is shown in Exhibit TI-13, Street Cross Sections (Exhibit No. 2) as the *desired* standard to be applied where practically feasible. The approved development plans which depict a 39-foot street width and a 10-foot wide parkway area between the subject property's west property line and the curb are inconsistent with these requirements. Due to the placement of the wall, the actual width from curb face to property line is 10 feet, so the total maximum right-of-way width can only be 58 feet, or two feet shy of the minimum right-of-way width as called for in Section 3.2 identified above.

The current right-of-way along Lucerne Street adjacent to the subject property ranges from 53 to 58 feet, as measured from property line to property line. Some of the RS (Residential, Single-family) zoned properties on the west side of Lucerne Street have not yet offered dedications for street-widening purposes. The presumption is that dedications will be obtained as new development occurs on these lots, excluding additions or alterations to existing structures in the RS zone, which are exempt from roadway dedication requirements.

One way to rectify the situation is to require the applicant to submit an application for consideration of a General Plan Amendment to modify the minimum requirements for collector street widths. However, staff believes that a General Plan amendment would not be required for the following reasons (extrapolated from the Goals and Objectives contained in the Transportation and Infrastructure Element):

- TI-2.2 (Policy): *Pursue and protect adequate rights-of-way to accommodate future circulation system improvements.* Obtaining the necessary area of dedication from Toyota along Lucerne Street that would meet minimum collector street requirements would satisfy this policy.
- However, TI.2.3 (Policy) states, *Widen substandard streets and alleys to meet City standards wherever feasible.* The General Plan is a policy document designed to assist and guide local decision makers. For a project to be considered consistent with the General Plan, it must serve to further the goals and objectives of the General Plan and meet the intent of its policies. Feasibility can be measured with both economic and practical terms. Removing and replacing the existing wall to accommodate a two-foot discrepancy is neither practically or economically feasible considering its length and valuation. A certain amount of discretion may be employed by local decision makers (e.g. Planning Commission) when determining the extent of feasibility in obtaining required easements and/or dedications to satisfy goals and objectives to be consistent with this policy.

- TI-IM-2.1 (Implementation Measure): *Evaluate and pursue design and operational improvements to improve the efficiency of arterials and intersections in the City to more closely approximate planned carrying capacities. Priorities should be given to the study of certain intersections on Wilmington and Avalon.*
- Also related, TI-2.1 (Policy), which the above is designed to facilitate, states: *Require that new projects not cause the Level of Service for intersections to drop more than one level if it is at a Level A, B, or C, and not drop at all if it is at D or below, except when necessary to achieve substantial City development goals.* Existing and Future AM and PM peak hour level-of-service (LOS) and projected traffic flow information contained in Tables TI-4,5,10,11 and Exhibit TI-9 show that that Lucerne Street has no current or projected deficiencies in traffic capacity, and its current configuration would adequately accommodate future traffic flows.

Above-Ground Fuel Storage Tank

The fuel tank has a capacity of 12,500 gallons, is to be used for fueling new vehicles, rental cars, and company utility vehicles, and is not intended for retail sales or for use by the general public. The approximate dimensions of the tank are 10 feet wide, 32 feet in length, and 10 feet high. The tank will be placed on a 4-inch high pre-cast concrete pad, that will contain a fuel dispenser and ground-level fill box. The tank area will occupy a space previously approved for a landscape island at the north end of a parking aisle. The tank will be finished with a light-colored epoxy material that helps to keep the tank cool. A similar tank exists on the Nissan automobile dealership to the east of the subject site.

Issues to Consider

- A General Plan Amendment to allow the minimum width of a collector street from 60 feet to 58 feet, as stated in Section 3.2 of the Transportation and Infrastructure Element, would affect all collector streets in the city. A reexamination of existing traffic information and possibly more traffic studies would be required to justify this change on a city-wide level.
- According to the applicant, the cost of removing and replacing the newly-built wall is approximately \$100,000. Additional time would be needed to tear down the existing wall and reconstruct a new one, delaying the final approvals for the last stages of development.
- A General Plan amendment will take approximately 4 months or more to complete, resulting in additional delays to final approvals and project completion.
- Less landscaping is possible due to the decreased parkway area along Lucerne Street and the removal of the landscape island in the parking lot.

Alternatives

Staff is requesting that the Planning Commission review the following alternatives while considering our recommendation, which is first in the list:



- Approve Modification No. 3 to DOR No. 848-08: To change condition no. 91 to allow a three-foot dedication for right-of-way widening purposes along Lucerne Street and approve the above-ground storage tank as proposed.
- Deny the Modification to DOR No. 848-08: To not allow the above-ground storage tank and to leave condition of approval no. 91 as is, requiring the removal and replacement of the wall to an area beyond the five-foot dedicated area.
- Modify staff's recommendation of Modification No. 3 to DOR No. 848-08: To require changes to the site plan and/or condition as the Commission deems appropriate. Staff suggests requiring the applicant to add street tree wells in the vicinity of the subject site with city street tree master plan approved specimens. This will make up for certain deficiencies with respect to landscaping caused by less than the required parkway width and removal of the landscaped island in the parking lot.
- Approve the modified site plan to allow for the above-ground fuel storage tank, but deny the modification request to condition no. 91, effectively requiring the applicant to apply for a General Plan Amendment.

III. Conclusion

Toyota wishes for the issues related to the street dedication and wall location to be resolved in a judicious and expeditious manner. Staff seeks guidance from the Planning Commission as to which administrative process to employ in facilitating the resolution of the wall and dedication issues. The Planning Commission is able exercise discretion in approving the modification to the condition of approval related to the street dedication and the modified development plan. As an alternative, the Commission can approve the modified site plan and direct the applicant to submit a General Plan Amendment application to authorize a less than required right-of-way width. Also, additional conditions can be added to a resolution of approval to require alternative landscaping schemes to compensate for the lack of required parkway landscaping resulting from the location of the wall placement.

IV. Environmental Review

Pursuant to Section 15301, of Article 19, of the California Environmental Quality Act (CEQA) Guidelines, this project has been deemed an Existing Facility and determined to be Categorically Exempt from further environmental review.

V. Recommendation

That the Planning Commission:

- **WAIVE** further reading;
- **APPROVE** Modification No. 3 to Design Overlay Review No. 848-04; and,
- **ADOPT** Resolution No. -08, entitled, "A Resolution of the Planning Commission of the City of Carson approving Modification No. 3 to Design Overlay Review No. 848-04 for the construction of a 12,500 square-foot above ground storage tank,

Planning Commission Staff Report
Modification No. 3 to Design Overlay Review No. 848-08
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and modifying condition no. 91 of Exhibit B of Redevelopment Agency Resolution No. 05-17, for a property located at 1333 E. 223rd Street.”

VI. Exhibits

1. Draft Resolution
2. Exhibit TI-3, Current Master Plan of Highways
3. Exhibit TI-13, Street Cross Sections
4. Existing Conditions: Lucerne Street Right-of-Way, North of 223rd Street
5. Revised Site Plan

Prepared by:



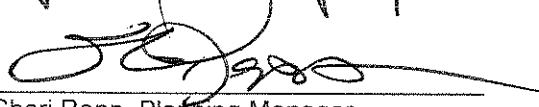
Steven C. Newberg, AICP, Associate Planner

Reviewed by:



John F. Signo, AICP, Senior Planner

Approved by:



Sheri Repp, Planning Manager

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CITY OF CARSON
PLANNING COMMISSION
RESOLUTION NO. 08-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON APPROVING MODIFICATION NO. 3 TO DESIGN OVERLAY REVIEW NO. 848-04 FOR THE CONSTRUCTION OF A 12,500 SQUARE-FOOT ABOVE GROUND STORAGE TANK, AND MODIFYING CONDITION NO. 91 OF EXHIBIT B OF REDEVELOPMENT AGENCY RESOLUTION NO. 05-17, FOR A PROPERTY LOCATED AT 1333 E. 223RD STREET

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

Section 1. An application was duly filed by the applicant, Carson Toyota, with respect to real property located at 1333 E. 223rd Street and described in Exhibit "A" attached hereto, requesting the approval of Modification No. 3 to Design Overlay Review No. 848-04, for the construction of a 12,500 gallon above-ground fuel storage tank, and to modify condition no. 91 of Exhibit "B", of City of Carson Redevelopment Agency Resolution No. 05-17, to change the required five-foot right-of-way dedication to three feet along the property's Lucerne Street frontage. The subject property is located in the CA (Commercial, Automotive) zoning district.

A public hearing was duly held on September 23, 2008, 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 above-ground fuel storage tank is a permitted use in the CA zoning district. The zoning for the subject property is consistent with the General Plan Land Use designation of Regional Commercial. The above-ground fuel storage tank will enhance certain utility functions of the existing automobile dealership and is consistent with the intended use of the subject property. Therefore, the proposed use and development is consistent with the General Plan.
- B) Existing and Future AM and PM peak hour level-of-service (LOS) and projected traffic flow information contained in the Infrastructure and Transportation Element of the General Plan show that that Lucerne Street has no current or projected deficiencies in traffic capacity, and its current configuration would adequately accommodate future traffic flows as projected. Reducing the required right-of-way dedication area along Lucerne Street from 5 feet to 3 feet will not alter the existing street width. Therefore, the reduction in the required right-of-way is consistent with the General Plan.
- C) The decreased landscaped area resulting from the 3-foot dedication and reduced parkway width will be mitigated by the applicant installing additional street trees in the vicinity.

Section 4. Pursuant to Section 15301, of Article 19, of the California Environmental Quality Act (CEQA) Guidelines, this project has been deemed an Existing Facility and determined to be Categorical Exempt from further environmental review.



Section 5. Based on the aforementioned findings, the Commission hereby approves Modification No. 3 to Design Overlay Review No. 848-04 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 the adoption of this 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 23rd DAY OF SEPTEMBER 2008.

CHAIRMAN

ATTEST:

SECRETARY



CITY OF CARSON
DEVELOPMENT SERVICES
PLANNING DIVISION
EXHIBIT "A"

LEGAL DESCRIPTION

MODIFICATION NO. 3 TO DESIGN OVERLAY REVIEW NO. 848-04

Property Address: 1333 E. 223rd Street

The land referred to as assessor parcel nos. 7315-038-903, 904, 912-17, 919 is situated in the County of Los Angeles, State of California and is described as follows:

Those portions of Lots 38,39 of Tract 4546, in the City of Carson of said County.



CITY OF CARSON
DEVELOPMENT SERVICES GROUP
PLANNING DIVISION

EXHIBIT "B"

CONDITIONS OF APPROVAL

MODIFICATION NO. 3 TO DESIGN OVERLAY REVIEW NO. 848-04

GENERAL CONDITIONS

1. Conditions set forth under Redevelopment Agency Resolution No. 05-17 approved on May 3, 2005, Modification No. 1 to Design Overlay Review No. 848-04 approved by the Planning Commission on December 13, 2005, and Modification No. 2 to Design Overlay Review No. 848-04 approved by Planning Commission on January 31, 2006, shall apply to this proposed project unless specifically modified, added, or deleted herein. In the event that a previously approved condition(s) conflicts with a condition(s) contained herein, the condition(s) contained herein shall control.
2. This Condition of Approval shall replace Condition No. 91 of Redevelopment Agency Resolution No. 05-17, which shall be modified to read as follows:

"The applicant shall dedicate 17-foot wide right-of-way along 223rd Street and 3-foot wide right-of-way along Lucerne Street abutting the proposed development, to the City of Carson for public right-of-way improvement purposes."
3. The applicant shall comply with all city, county, state and federal laws and regulations applicable to this land division.
4. The applicant shall coordinate with the Planning Division to replace existing street trees, or add new street trees and tree wells within the vicinity of the subject property to the satisfaction of the City Engineer.
5. The applicant shall make any necessary revisions to the development plans in order to comply with all the conditions of approval and applicable Zoning Ordinance provisions. Substantial changes will require review by the Planning Commission.
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 or ordinance is violated, the permit shall lapse, provided the



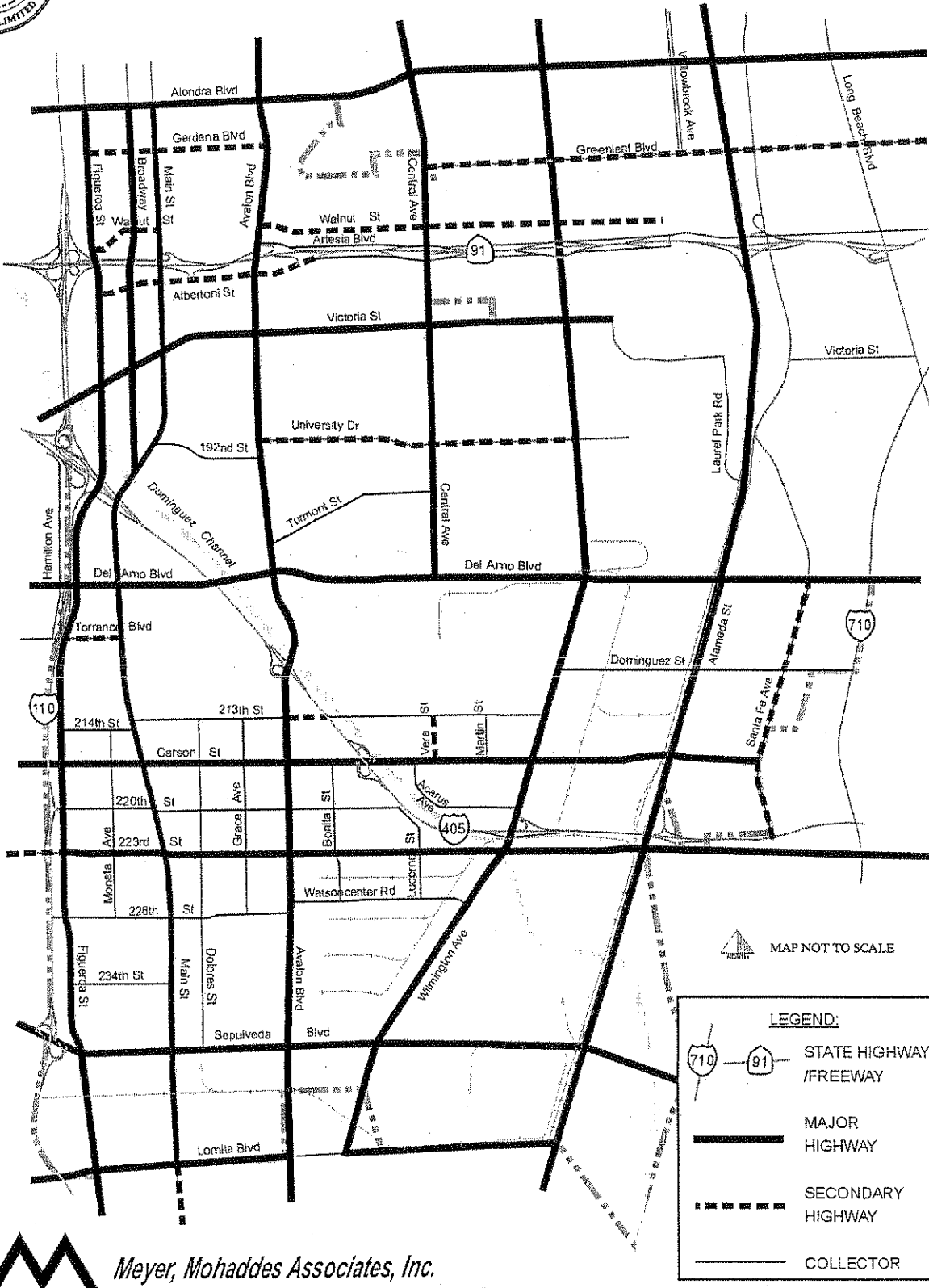
applicant has been given written notice to cease such violation and has failed to do so for a period of thirty days.

8. The applicant shall submit two complete sets of plans that conform to all the Conditions of Approval included herein to be reviewed and approved by the Planning Division prior to the issuance of a building permit.
9. The 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 Design Overlay Review No. 04-03-848 (DOR 848-04) and associated modifications. 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 and 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.





CARSON GENERAL PLAN



M Meyer, Mohaddes Associates, Inc.

Source: GIS Data, City of Carson
NOVEMBER 25, 2002

EXHIBIT NO. 2

Current Master Plan of Highways

EXHIBIT TI-3

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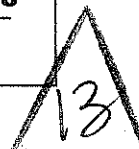
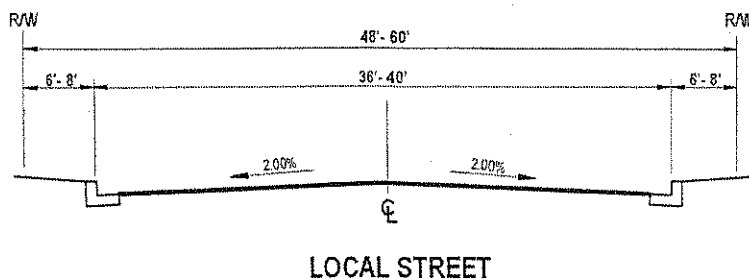
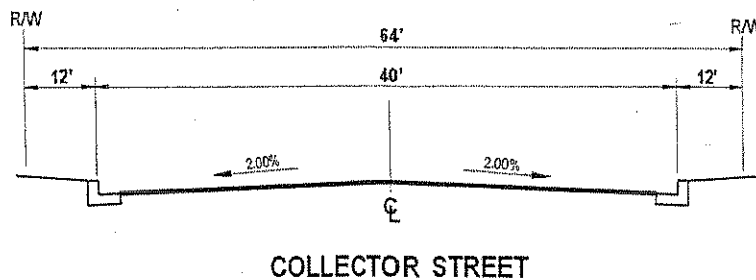
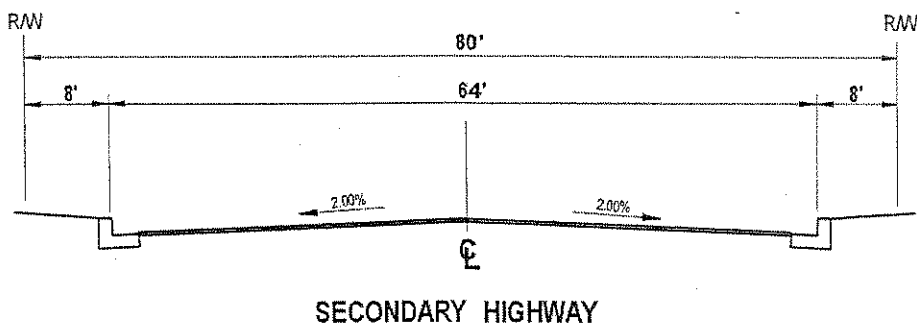
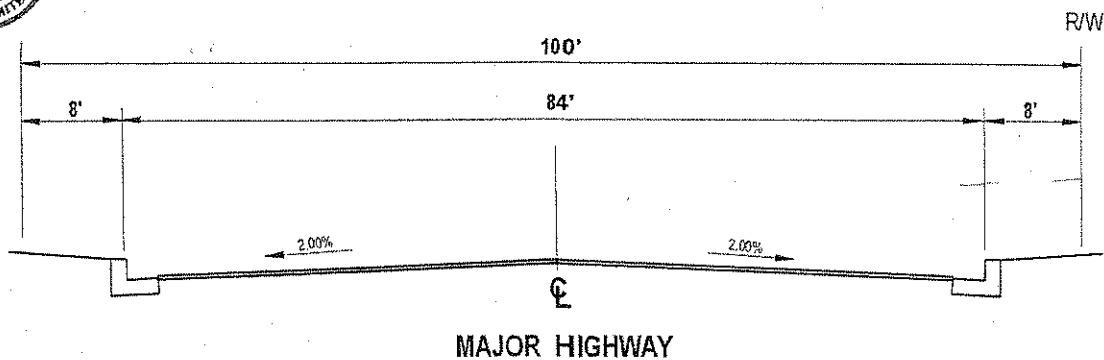


EXHIBIT NO. 4

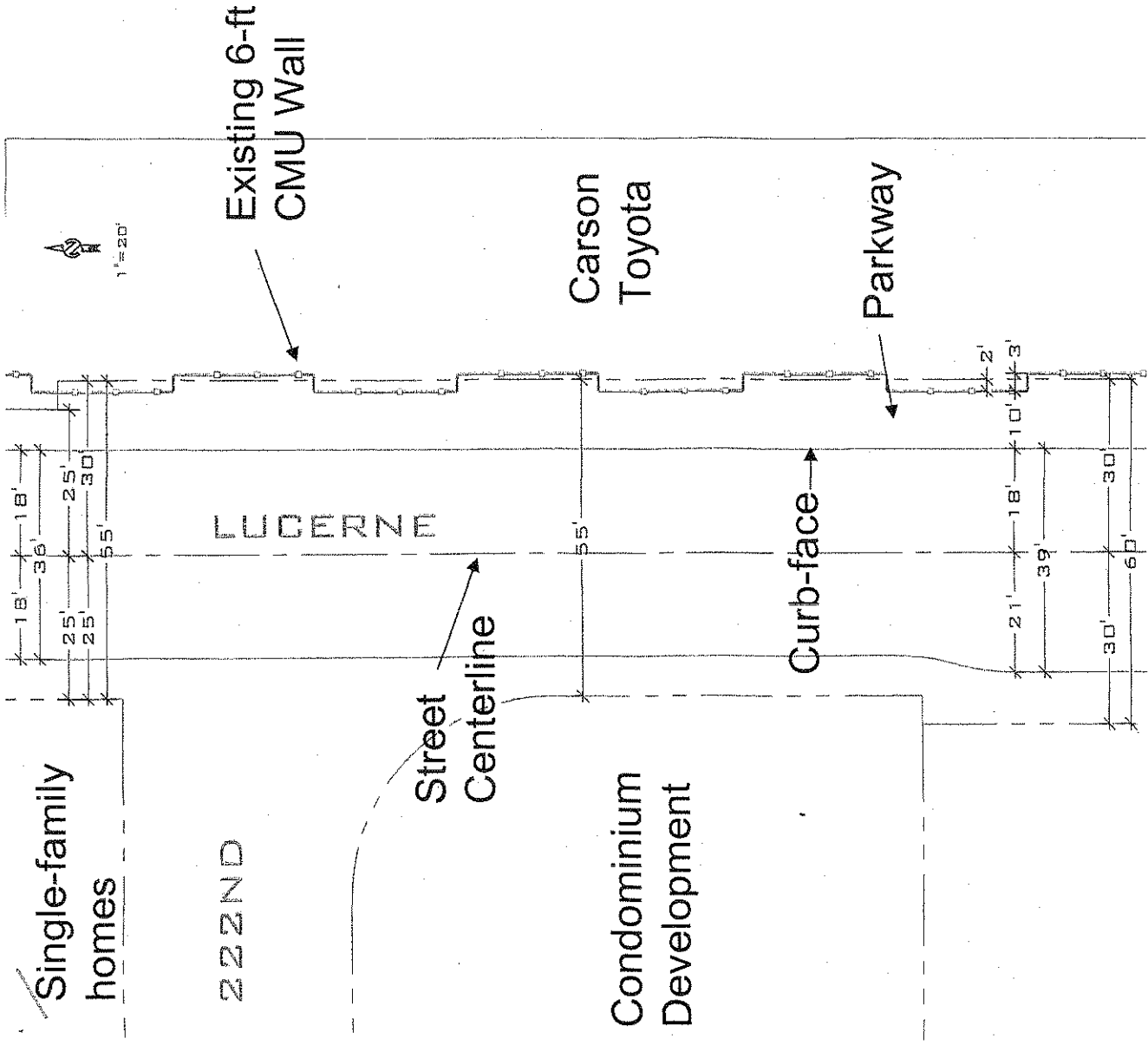


EXHIBIT NO. 4

EXISTING CONDITIONS - LUCERNE RIGHT-OF-WAY, NORTH OF 223RD STREET

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