



CITY OF CARSON

PLANNING COMMISSION STAFF REPORT

NEW BUSINESS CONSENT: September 23, 2008
SUBJECT: Modification No. 2 to Special Use Permit 160-77.
APPLICANT: ActiveRV
Attention: Joe Hasson
1202 E. Carson Street
Carson, CA 90745
REQUEST: To authorize used vehicle sales as an accessory use to a recreational vehicle (RV) dealership currently on the subject property.
PROPERTY INVOLVED: 1202 E. Carson 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. 9D

I. Introduction

ActiveRV is an RV retailer specializing in custom touring coaches and related equipment. In 2007, ActiveRV took possession of the 2.14 acre subject property formerly occupied by American Camper Shells, which moved across Carson Street and was renamed to Mother Truckers. Since taking over the property, Active RV has been experiencing a marked decline in sales activity of new RV's resulting from a general decline in economic conditions nationwide. The applicant is seeking a viable way to supplement their income by utilizing their existing facilities while avoiding a major capital outlay. Thus, the applicant is requesting that the Planning Commission authorize a 2-year temporary Modification to Special Use Permit No. 160-77, to allow for used automobile vehicle sales as an accessory use to the existing retail RV sales use.

II. Background

The approximate 2.14 acre subject property was formerly two properties whose previous uses included a gasoline station with a small automotive service center and a camper shell sales and service center. The gas station closed in the late 1970's and the camper shell sales and service moved across Carson Street in 2007. The Planning Commission approved a Modification to Special Use Permit (SUP) No. 160-77, and recommended approval of Design Overlay Review No. 874-04 in June 2004 for a new RV sales and service center. The Redevelopment Agency approved DOR No. 874-04 in July 2004. The new building was finally constructed in 2006. The SUP modification expanded the RV sales originally approved for the eastern half of the property in 1977 to the western half. The applicant is seeking authorization to utilize a portion of the eastern half of the property for used vehicle sales. This area is envisioned to accommodate approximately 10-15 used vehicles. Existing RV inventory occupying the proposed location for used vehicle sales will not be replaced as it is sold, thus opening space for the used car inventory.

III. Analysis

The property is within the CG-D (Commercial, General – Design Overlay) zone. Pursuant to Carson Municipal Code Section 9131.1, the sales of new and used RV's over a 2-ton capacity are conditionally permitted uses, pursuant to Section 9138.15, Commercial Automotive. Special Use Permit (SUP) No. 160-77 allows for new and used RV sales on the subject property. However, the applicant is requesting a modification to this permit to allow used automobile vehicle sales as a temporarily permitted use. Section 9138.15 allows for used RV's and automobile vehicles as accessory uses, only secondary to a new vehicle franchise. Typically, used vehicles sold in this fashion are those acquired through trade-in or dealer-only auction purchases. The applicant intends to follow that same pattern of acquisition for their used car inventory.

The applicant is seeking a two-year special use authorization to allow them to augment existing RV sales in order to keep the business economically viable. Section 9138.15(C)(4), allows the Planning Commission to make an interpretation as



to the applicability of the permitted uses section as it pertains to similar automobile uses and performance standards related to the authorization of such uses. Furthermore, Section 9172.21, Conditional Use Permit, of the Carson Municipal Code authorizes the Planning Commission to approve minor modifications to an existing CUP (SUP) by consent.

Staff recognizes the plight of existing businesses which are affected by the recent economic slump, particularly automobile dealerships. At the same time, however, staff remains diligent in their efforts to maintain consistency with the intention of the General Plan through the application of the zoning code. In this case, there is some uncertainty as to whether or not a used automobile sales use at the subject site will benefit the community, in terms of aesthetic and economic impacts. Staff has concerns that the portion of the site utilized for used vehicle sales will evolve into a typical used car lot which is why a two-year use authorization is suggested. However, staff is supportive of the concept as a temporary solution to the applicant's needs to maintain the business.

Conditions related to the model year and age of vehicles sold, and a two-year term of authorization, subject to Planning Commission re-authorization have been added to the resolution of approval which staff feels helps to control for certain deleterious effects of the proposed used car sales use. In addition, the applicant has agreed to upgrade existing and replace missing landscaping in the front yard setback and repair or replace dilapidated fencing where applicable to increase the aesthetic appeal of the site.

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 Categorical Exempt from further environmental review.

V. Recommendation

That the Planning Commission:

- **WAIVE** further reading; and,
- **APPROVE** and **ADOPT** Resolution No._____, entitled "A Resolution of the Planning Commission of the City of Carson Approving Modification No. 2 to Special Use Permit 160-77 to authorize a two-year period to sell used automobiles as an accessory use to the existing RV sales and service use located at 1202 E. Carson Street"

VI. Exhibits

1. Draft Resolution for Modification No. 2 to SUP No. 160-77
2. Site plan

Prepared by:


Steven C. Newberg, AICP, Associate Planner

Reviewed by:


John F. Signo, AICP, Senior Planner

Approved by:


Sheri Repp, Planning Manager

sn/sup16077mod2p



CITY OF CARSON
PLANNING COMMISSION
RESOLUTION NO. 08-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON APPROVING MODIFICATION NO. 2 TO SPECIAL USE PERMIT 160-77 TO AUTHORIZE A TWO-YEAR PERIOD TO SELL USED AUTOMOBILES AS AN ACCESSORY USE TO THE EXISTING RV SALES AND SERVICE USE LOCATED AT 1202 E. CARSON 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, ActiveRV, with respect to real property located at 1202 East Carson Street and described in Exhibit "A" attached hereto, requesting approval of Modification No. 2 to Special Use Permit No. 160-77 to authorize a two-year period to sell used automobiles as an accessory use to the existing RV sales and service use. The subject property has a General Plan designation of General Commercial, is zoned CG-D (Commercial, General – Design Overlay), and is located within Redevelopment Project Area 1.

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.

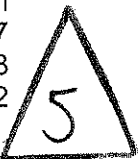
Section 2. Evidence, both written and oral, was duly presented to and considered by the Planning Commission at the aforesaid meeting.

Section 3. Pursuant to Section 9172.21(D), Conditional Use Permit - Approving Authority Findings and Decision, of the Carson Municipal Code, the Planning Commission finds that:

- a) Section 9131.1 of the Carson Municipal Code allows the sale of new and used recreational vehicles over 2 tons subject to approval of a conditional use permit. Special Use Permit No. 160-77 was approved by the Planning Commission on October 25, 1977 to allow the sale of recreational vehicles over 2-tons. In June 2004, the Planning Commission modified SUP No. 160-77 to expand the authorization to the entire subject property.
- b) The applicant is requesting a second modification SUP No. 160-77 to allow used automobile vehicle sales as a temporarily permitted use for a period of 2-years, subject to Planning Commission re-authorization. Section 9138.15 allows for used RV's and automobile vehicles as accessory uses, only secondary to a new vehicle franchise. The applicant sales new RV's and not new automobiles, but proposes to sale used automobiles. Section 9138.15(C)(4) authorizes the Planning Commission to make an interpretation as to the applicability of the permitted uses section as it pertains to similar automobile uses and performance standards related to the authorization of such uses. Thus, the Planning Commission deems the

Planning Commission Resolution
Modification No. 2 to Special Use Permit No. 160-77
September 23, 2008
Page 1 of 2

EXHIBIT NO. 1



proposed use combination to be consistent with the intent of the permitted uses section of the Commercial, Automotive zone.

- c) The proposed project is in conformance with the General Plan which designates the subject property for General Commercial uses. This project is consistent with certain goals and objectives of the Economic Development Element of the General Plan by increasing opportunities for existing businesses and promoting the economic vitality of the city. There is no specific plan for this area.
- d) Vehicular ingress and egress is via the Carson Street frontage. Regional access is via the 405, 110 and 710 freeways from Carson Street. The property fronts Carson Street, which is a major arterial street capable of handling the vehicular trips generated by the proposed project. Adequate access is given to the proposed parking areas and circulation on the subject property and adjacent public streets will not be adversely impacted
- e) The subject property is 2.14 acres in area, trapezoidal-shaped, and flat. The proposed use will be served by existing utilities on the property, such as water and electricity, and will not require new infrastructure improvements or electrical upgrades. Thus, the site is more than adequate in size, shape, topography, location and utilities to accommodate the proposed use and development.

Section 4. The Planning Commission further finds that the proposed development will not have a significant effect on the environment. The proposed use does not significantly alter the existing development on the subject site and meets or exceeds all City standards for protection of the environment. Therefore the proposed project is found to be categorically exempt under CEQA Guidelines.

Section 5. Based on the aforementioned findings, the Commission hereby approves Modification No. 2 to Special Use Permit No. 160-77, with respect to real property described in Section 1 hereof, and 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 23rd DAY OF SEPTEMBER, 2008

CHAIRMAN

ATTEST:

SECRETARY



EXHIBIT **A**

THAT PORTION OF LOT 32 OF TRACT NO. 4546, IN THE CITY OF CARSON, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP FILED IN BOOK 50, PAGES 21 AND 22 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

~~BOUNDED NORTHERLY BY THE NORTHERLY LINE OF SAID LOT 32; BOUNDED EASTERLY BY THE WESTERLY LINE OF THE EASTERLY 154.77 FEET OF SAID LOT 32; BOUNDED SOUTHWESTERLY BY THE SOUTHWESTERLY LINE OF SAID LOT 32; AND BOUNDED WESTERLY BY THE WESTERLY LINE OF THE EASTERLY 324.77 FEET OF SAID LOT 32.~~

EXCEPT THEREFROM THE SOUTHWESTERLY 25 FEET THEREOF AS CONDEMNED BY FINAL ORDER OF CONDEMNATION IN FAVOR OF THE LOS ANGELES COUNTY FLOOD CONTROL DISTRICT, RECORDED AUGUST 18, 1964 AS INSTRUMENT NO. 5311 OF OFFICIAL RECORDS.

EXCEPT THEREFROM THE NORTHERLY 20 FEET THEREOF, AS DEEMED TO THE COUNTY OF LOS ANGELES RECORDED APRIL 18, 1967 AS INSTRUMENT NO. 1795 OF OFFICIAL RECORDS.

ALSO EXCEPT THEREFROM ALL OIL, MINERALS, AND HYDROCARBON SUBSTANCES IN AND UNDER SAID LAND BELOW A DEPTH OF 500 FEET, WITHOUT THE RIGHT OF SURFACE ENTRY, AS RESERVED BY ANGELINA ESPINOZA BY DEED RECORDED JANUARY 7, 1960 AS INSTRUMENT NO. 1585, OFFICIAL RECORDS.

ASSESSOR'S PARCEL NO: 7328-002-024 AND 7328-002-034

EXHIBIT

THAT PORTION OF LOT 32 OF TRACT NO. 4546, IN THE CITY OF CARSON, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP FILED IN BOOK 50, PAGES 21 AND 22 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

~~BOUNDED NORTHERLY BY THE NORTHERLY LINE OF SAID LOT 32; BOUNDED EASTERLY BY THE WESTERLY LINE OF THE EASTERLY 154.77 FEET OF SAID LOT 32; BOUNDED SOUTHWESTERLY BY THE SOUTHWESTERLY LINE OF SAID LOT 32; AND BOUNDED WESTERLY BY THE WESTERLY LINE OF THE EASTERLY 324.77 FEET OF SAID LOT 32.~~

EXCEPT THEREFROM THE SOUTHWESTERLY 25 FEET THEREOF AS CONDEMNED BY FINAL ORDER OF CONDEMNATION IN FAVOR OF THE LOS ANGELES COUNTY FLOOD CONTROL DISTRICT, RECORDED AUGUST 18, 1964 AS INSTRUMENT NO. 5311 OF OFFICIAL RECORDS.

EXCEPT THEREFROM THE NORTHERLY 20 FEET THEREOF, AS DEEMED TO THE COUNTY OF LOS ANGELES RECORDED APRIL 18, 1967 AS INSTRUMENT NO. 1795 OF OFFICIAL RECORDS.

ALSO EXCEPT THEREFROM ALL OIL, MINERALS, AND HYDROCARBON SUBSTANCES IN AND UNDER SAID LAND BELOW A DEPTH OF 500 FEET, WITHOUT THE RIGHT OF SURFACE ENTRY, AS RESERVED BY ANGELINA ESPINOZA BY DEED RECORDED JANUARY 7, 1960 AS INSTRUMENT NO. 1585, OFFICIAL RECORDS.

ASSESSOR'S PARCEL NO: 7328-002-024 AND 7328-002-034



CITY OF CARSON
DEVELOPMENT SERVICES
PLANNING DIVISION
EXHIBIT "B"
CONDITIONS OF APPROVAL

MODIFICATION NO. 2 TO SPECIAL USE PERMIT NO. 160-77

GENERAL CONDITIONS

1. If Modification No. 2 to Special Use Permit No. 160-77 is not used within one year of its effective date, said permit shall be declared null and void unless an extension of time is previously approved by the Planning Commission.
2. The applicant shall comply with all city, county, state and federal regulations applicable to this project.
3. The applicant shall make any necessary site plan and design revisions to the site plan and elevations approved by the Planning Commission as Exhibits "C-1" and "D-1" respectively in order to comply with all the conditions of approval and applicable Zoning Ordinance provisions. Substantial revisions will require review by the Planning Commission.
4. The applicant shall make any necessary site plan and design revisions in order to comply with all the conditions of approval and applicable Zoning Ordinance provisions. Substantial changes will require review by the Planning Commission.
5. 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.
6. 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.
7. All buildings, grounds, parking areas and landscaping shall be maintained in a neat and orderly manner at all times.
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. Decision of the Planning Commission shall become effective and final 15 days after the date of its action unless an appeal is filed in accordance with Section 9173.4 of the Zoning Ordinance.



10. A modification of the conditions of this permit, including additions or deletions, may be considered upon filing of an application by the owner of the subject property or his/her authorized representative in accordance with Section 9173.1 of the Zoning Ordinance.
11. All repair and service activities, including storage of equipment and materials, shall be within an enclosed building and conducted in such a manner as not to be a nuisance to the occupants of adjacent properties.
12. Any washing of vehicles construed as an automobile laundry, as defined in Section 9138.13, shall require a Conditional Use Permit per Carson Municipal Code Section 9172.21 and adhere to the standards found in Section 9138.13.
13. Special Use Permit 160-77 is deemed to be in full force and effect except as modified by the Planning Commission or other approval granted by the City or Redevelopment Agency.
14. Modification No. 2 to Special Use Permit No. 160-77 authorizes used automobile sales as an accessory use to the retail recreational vehicle use on the subject site, subject to the conditions of approval contained herein, for a period two years commencing on the date of Planning Commission approval of said modification to said permit.
15. A minimum of seventy (70) per cent of used vehicle inventory shall be comprised of model year vehicles not more than five (5) years older than the current model year. The applicant shall keep an inventory of vehicles onsite, which includes model year information, available for city inspection should the need arise.
16. All used vehicles onsite shall be considered in very good or excellent condition, as defined by current industry standards for used automobiles.
17. The Applicant shall defend, indemnify and hold harmless the City of Carson, its agents, officers, or employees from any claims, damages, action, or proceedings against the City or its agents, officers, or employees to attack, set aside, void or annul, an approval of the City, its advisory agencies, appeal boards, or legislative body concerning the Modification No. 2 to Special Use Permit No. 160-77. 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.

