



CITY OF CARSON

PLANNING COMMISSION STAFF REPORT

CONTINUED PUBLIC HEARING: May 24, 2011

SUBJECT: Design Overlay Review No. 1400-11;
Conditional Use Permit No. 859-11; Ordinance
Amendment to Section No. 9138.15 of the Carson
Municipal Code (CMC)

APPLICANT: AutoWest Collision Group
c/o Napoleon Garcia
14059 Garfield Avenue
Paramount, CA 90723

REQUEST: To perform a façade remodel and related landscaping,
parking area, and general improvements to the former
Don Kott Ford automobile dealership. A conditional
use permit (CUP) is requested to permit a proposed
auto repair collision center which is contingent upon
City Council approval of the proposed ordinance
amendment to conditionally allow auto repair uses
as a primary use.

PROPERTY INVOLVED: 21212 S. Avalon Boulevard

COMMISSION ACTION

Concurred with staff

Did not concur with staff

Other

COMMISSIONERS' VOTE

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

Item No. 10A

I. Introduction

The applicant, AutoWest Collision, seeks to obtain a sub-lease agreement from Sonic Automotive Group contingent upon approval of discretionary permit authorization, to operate an auto collision repair center on the two properties that comprise the former Don Kott Ford Automotive Dealership. AutoWest intends to utilize the existing auto repair facilities located on the northeastern area of the property and to use the former showroom and office areas of the former sales building as a customer lobby area, showroom and business offices.

AutoWest is one of the largest collision repair providers on the west coast and operates seven similar facilities in areas of northern California, including Oakland, San Jose, Fremont, Concord, Sunnyvale, Colma, and Belmont. Their business comes mainly from exclusive collision referral programs with automotive dealerships located near their repair facilities, which include such brands as Lexus, Acura, Porsche, and Mercedes-Benz. In addition to these sources, the Carson location seeks to capitalize on an exclusive vehicle repair referral arrangement from Sonic, as well as general public drive-up customers, which will boost their overall output of repaired vehicles. Their website can be viewed at <http://www.awcollision.com/>

This item was continued from the May 10, 2011 Planning Commission public hearing at the applicant's request to provide additional time to complete lease negotiations.

In January 2011, two separate applications were submitted to the Planning Division, each one proposing an auto repair use to be located on Avalon Boulevard in the CA (Commercial, Automotive) zone district contingent upon City Council approval of a proposed ordinance amendment to Section 9138.15 of the CMC to conditionally allow auto repair uses as a primary use. This staff report concerns the subject application:

- Design Overlay Review No. 1400-11, Conditional Use Permit No. 859-11
 - AutoWest Collision Group proposes a façade remodel and related landscaping, parking area, extensive interior improvements, and general site improvements to the former Don Kott Ford automobile dealership at 21212 S. Avalon Boulevard. The CUP request is to permit auto repair as a primary use in the CA zone, contingent upon City Council approval of an ordinance amendment allowing the same use.

- Ordinance Amendment to the Carson Municipal Code
 - AutoWest Collision Group is sponsoring the proposed ordinance (text) amendment to the municipal code to benefit both development proposals. The proposed ordinance amendment seeks to modify existing language in Sections 9131.1, 9133, 9138.15, and 9138.29 of the CMC to allow for auto repair as a primary use with an approved CUP.

After much deliberation during workshops held by the Planning Commission on March 10 and March 23, 2011 concerning auto repair in the CA zone (Exhibit Nos. 1-4), the Planning Commission directed staff to draft an ordinance amendment allowing



automotive repair as a primary use in the CA zone, but only for a six-year period (until the end of the current Sonic lease, without options to extend), and only for properties in the CA zone with street frontages facing Avalon Boulevard.

The applicant, who attended the workshops and is aware of the direction given to staff, submitted an application to amend the zoning code accordingly, and wishes to move forward with plans to develop the property and use it on a limited-term basis as a primary use automotive repair facility.

II. Background

The subject property is located at the northeastern corner of the intersection of Avalon Boulevard and 213th Street. The property is approximately 9.3 acres in size, zoned CA (Commercial, Automotive), and located within the Carson Consolidated Redevelopment Project Area. The Don Kott Ford Automobile Dealership occupied the subject property for over 30 years prior to closing in October, 2007. The site is currently vacant. Sonic Automotive Group retains a master lease over all properties fronting Avalon Boulevard in the CA Zone formerly used for the former Don Kott Automotive Dealerships and currently used for the Car Pro's Kia Automotive Dealership. Additional background information is contained in Exhibit No. 1.

Surrounding Area

The subject site fronts Avalon Boulevard and 213th Street. The former Don Kott Lincoln, Mercury, Chrysler and Dodge automobile dealerships are located to the north. To the south, across 213th Street is a US Post Office, and west, across Avalon Boulevard is Car Pro's Kia automobile dealership and a mobile home park. The east side of the subject property fronts the 405 freeway. The subject property and all adjacent properties are zoned CA.

III. Analysis

Design Overlay Review No. 1400-11

The development plans include a façade remodel to the main sales building previously occupied by Don Kott Ford, landscape improvements, new signs, new fencing, and repaving/restriping of the parking lot areas, where necessary. An extensive remodel of the lobby and front canopy area is proposed in order to provide a state-of-the-art customer write-up, vehicle receiving, and lobby area. The Commercial, Automotive development standards encourage the rehabilitation of existing structures and overall site upgrades so that existing land uses become unified with new development, enhancing the overall image of the Commercial Automotive District. To this end, staff has worked with the applicant to provide certain upgrades to the existing development that conform to current standards. The proposed upgrades will enhance the properties but are not considered a significant remodel.



Findings: Design Overlay Review

Pursuant to CMC Section 9172.23, Site Plan and Design Review, the Planning Commission may approve the development plans for the proposed facade remodel and related improvements if the following findings can be made in the affirmative:

- a). *Compatibility with the General Plan, any specific plans for the area, and surrounding uses.*

The subject property is zoned CA (Commercial, Automotive) and has a General Plan Land Use designation of RC (Regional Commercial), which is consistent with the zoning designation. The proposed use is currently not permitted within the zone, thus the requests for a conditional use permit authorization and ordinance amendment. Surrounding uses include an automobile dealership, a convenience store/gas station, a mobile home park, and government uses. The subject property has only one adjacent neighbor, a former car dealership. The proposed use is compatible with the General Plan and surrounding uses. The subject property is within the CA zone, for which specific development guidelines are provided for in Section 9138.15 of the CMC. The proposed use is consistent with standards found in Section 9138.2 for automotive repair. The development plans include bringing existing non-conformities, related to signage, landscaping, and site layout details into conformance with standards outlined in Section 9138.15.

- b). *Compatibility of architecture and design with existing and anticipated development in the vicinity, including the aspects of site planning, land coverage, landscaping, appearance and scale of structures and open spaces and other features relative to a harmonious and attractive development of the area.*

There are three buildings on the former Don Kott Ford property that the applicant intends to renovate and proposes interior improvements to accommodate their staffing and material needs, and customer service areas. The majority of exterior renovation will involve the canopy and façade of the former Ford sales building, which is nearest the southwest corner of the subject property. The applicant intends to use the buildings in the following manner (previous uses are noted in parenthesis):

1. Building A (former Kott Ford sales) – a 25,000-square-foot, mansard-roofed, Mediterranean style, stucco building constructed in 1974, which is to be used as the used car sales center, including sales staff and administrative offices. Interior renovations include a major remodel of the customer lobby area. The exterior renovations include removing and replacing existing signs, renovating tiles along the mansard where needed, and a new drop lighting system for the underside of the canopy;
2. Buildings B & C (Kott Ford service and body shop) – comprised of two linear, angular-shaped buildings, 8,960 square feet and 29,330 square feet in area, which form a rectangle on the east side of the property. In the middle is a secure parking area of 170 spaces, where the applicant intends to park vehicles awaiting service or customer pickup. The body



shop will be reactivated to accommodate a full-range of automotive service and repair, including a new paint/spray booth to be located along the east side of the easternmost building;

Through the proposed façade improvements, the applicant intends to modernize the main sales building's appearance for increased customer satisfaction and to provide an attractive aesthetic impact along Avalon Boulevard. Landscape setbacks along Avalon Boulevard and 213th Street will be increased from five feet to ten feet, consistent with current standards. Additional landscaping conditions of approval have been included in the resolution that require landscaping on the subject property to be consistent with current requirements found in CMC Section 9138.15(D)(7).

The subject property is adjacent to a commercially-zoned property which is compatible with the proposed use. The scale and appearance of the structures, as well as the large percentage of open space on the property contribute to a harmonious and attractive development of the area.

c). *Convenience and safety for pedestrians and vehicles.*

The subject property is located on a corner lot at the intersection a major and local street. Adequate ingress and egress is accommodated on the site by virtue of three driveways: one on 213th Street and two along Avalon Boulevard. A break in the center median on Avalon Blvd. allows a left turn from the front of the subject property onto southbound Avalon Blvd.

There are a total of 394 parking spaces on the subject property. Customer parking areas are located along Avalon Boulevard and 213th Street. Vehicles awaiting repair and those available for customer pickup will be located in the secure parking area between Buildings B and C. Employee parking is located along the eastern edge of the lot. Customer parking is provided on the north and south sides of the Building A. A car delivery area is located on the south side of the subject property enabling delivery trucks to utilize the two existing driveways with a convenient entrance into the easternmost driveway and exit from the middle driveway along 213th Street. Pedestrians accessing the site from the public right-of-way can enter along designated pedestrian paths that lead to the sales building.

d). *Attractiveness, effectiveness, and restraint in signing, graphics, and color.*

The façade of the main sales building will be rehabilitated with repair of existing tiles and stucco finishes. Fresh paint will adorn all buildings and new signs are to be installed on the fascia board of the main building. The former pole sign at the southwest corner has been removed and will be replaced with a monument sign, colored and textured to match the style of the building's front elevation. A new, 25-foot high pole sign will be installed near the first driveway north of 213th Street. The use of contemporary materials and limited numbers of colors contribute to an attractive, restrained, and effective graphic, color, and sign presentation.



- e). *Development scheduling (if phased development) which will satisfy the above criteria in each phase.*

There is no phased development plan for the proposed project.

- f). *Conformance to any applicable design standards and guidelines which have been adopted pursuant to Section 9172.15. Such design standards and guidelines may be generally applicable or may specify different requirements for different areas.*

The project will in conformance with applicable regulations, standards, and other criteria found in the zoning code, should the ordinance amendment be approved.

Ordinance Amendment

The applicant wishes to conduct automotive repair as a primary use within the CA zone. Pursuant to Section 9138.15(C)(2)(a), Accessory Uses, of the Carson Municipal Code (CMC), vehicle repair and service (automotive repair) is permitted, provided that such repair is accessory to new vehicle sales and is not the primary use. The applicant is requesting to conduct automotive repair, exclusively. Thus, the applicant is requesting an amendment to Section 9138.15, Commercial, Automotive (CA) Development Standards to allow a conditional use permit for automotive repair as a primary use within the CA (Commercial Automotive) zone (thus the request for CUP 859-11).

Auto body, paint and/or upholstery shops are currently permitted by Section 9138.15 as an integral, but secondary part of operating a new automobile franchise, and subject to CUP approval. The applicant is proposing a full-service automotive repair facility ("collision center"), which includes auto body, paint and upholstery repair. The proposed ordinance amendment will explicitly allow automotive repair as a primary use, which includes full-service automotive repair encompassing auto body, paint, and upholstery repair, subject to CUP approval. Hence, the request for Conditional Use Permit No. 859-11 is to authorize such automotive repair uses, contingent upon ordinance amendment approval by City Council.

Staff identified seven (7) CA zoned properties which front Avalon Boulevard that would potentially be affected by the proposed ordinance amendment, three of which are already the subject of this application. These seven properties could potentially have vehicle repair as a primary use permitted to exist, subject to CUP approval, should the ordinance amendment be approved.

The CA zone currently allows for existing automobile dealerships to operate automotive repair facilities, provided that such use is secondary to new vehicle sales. The CA zone seeks to preserve the prime commercial areas for vehicle sales. Recognizing the potential for proliferation of automotive repair as primary uses in the CA zone, the Planning Commission directed staff to prepare a text amendment which modifies the zoning for only those properties fronting Avalon Boulevard and within the CA zone district.

Concerns were raised that the preponderance of vehicle service and repair facilities operated as primary uses would deter from the intent of the auto row concept, as



called for in the CA zone standards. The Planning Commission directed staff to amend the zoning ordinance to provide a CUP requirement for auto repair businesses seeking to operate as primary uses. The Commission identified only those properties which front Avalon Boulevard and that are located within the CA zone as properties eligible for the CUP. Additionally staff was directed to include language which limits the auto repair uses within these areas to an operating period of approximately six years. As such, the ordinance amendment has specified the date of July 1, 2017 for the cessation of auto repair businesses as a primary use.

Ordinance Amendment and Related Text Changes

Section 9131.1, Uses Permitted, will be amended to read as follows (deleted text stricken; added text underlined):

	Zones			
	CN	CR	CG	CA
Vehicle Sales and Service				
Sales:				
Automobile service station, subject to the requirements of Section 9138.12. (See Section 9133)	L	L	L	C
Automobile laundry, subject to the requirements of Section 9138.13	C	C	C	
Automobile parts (new)*.	X	X	X	
Motorcycles or motorscooters (new)*. (See Section 9138.15)		X	X	L
Automobiles, recreation vehicles, and trucks not over 2-ton capacity (new)*. (See Section 9138.15)		L	L	L
Automobiles, recreation vehicles, and trucks not over 2-ton capacity (used – as accessory use)*. (See Section 9138.15)			L	L
Automobiles, recreation vehicles, and trucks not over 2-ton capacity (used – as primary use). (See Section 9133 and 9138.15)				C
Recreation vehicles, over 2-ton capacity (new)*. (See Section 9133 and 9138.15)		X	C	L



Recreation vehicles, over 2-ton capacity (used – as accessory use)*. (See Section 9133 and 9138.15)	C	L
Travel trailers or trailers, not over 2-ton capacity (new)*.	L	L
Travel trailers or trailers, not over 2-ton capacity (used)*.		L
Trucks, trailers over 2-ton capacity (new)*. (See Section 9133)	X	C
Trucks, trailers over 2-ton capacity (used)*. (See Section 9133)		C
Recreational vehicles, rental and leasing. (See Section 9138.15(c))		L
Boats and accessory equipment	C	L
Auctions for used automobiles, recreational vehicles, travel-trailers, trucks or trailers, not over 2-ton capacity, motorcycles or motor scooters, subject to the requirements of Section 9138.21.	L	L

Rental and Leasing:

All vehicles up to 2-ton capacity.		L
All vehicles over 2-ton capacity. (See Section 9133)		C

Repair of all vehicles up to 2-ton capacity (no boats):

<u>Minor and major repair as defined in Section 9138.11 (only as a primary use on properties fronting Avalon Boulevard) (See Sections 9133, 9138.15, and 9138.2)</u>		<u>C</u>
--	--	----------



Minor repair as defined in Section 9138.11 and subject to the provisions of Section 9138.2.

L L

Major repair as defined in Section 9138.11 and subject to the provisions of Section 9138.15 (for CA zone only)* (See Section 9133)

L C

Section 9133, Conditional Use Criteria, is also recommended to be amended to provide a termination date of no later than July 1, 2017, per Planning Commission direction, for auto repair uses operating as a primary use on properties fronting Avalon Boulevard and located within the CA zone (added text underlined):

Vehicle repair and service (as primary use*) for those properties fronting Avalon Boulevard and within the CA zone only:

Ability to comply with CMC 9138.15* and 9138.2*

* Lawfully established automotive repair facilities on property fronting Avalon Boulevard shall discontinue operations on or before July 1, 2017.

Additionally, Section 9138.15 [beginning with sub-section (C)] of the Carson Municipal Code is amended to read as follows (deleted text stricken; added text underlined):

C. Permitted and Conditional Uses

The Commercial Automotive District permits the following principal, secondary and conditional uses:

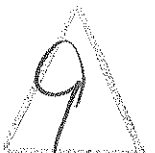
1. Principal Uses

- a. New vehicle dealerships, principally geared toward the sale of new passenger vehicles and light duty trucks.
- b. New recreational vehicle sales.
- c. New motorcycle sales.
- d. Renting and leasing of recreational vehicles.

2. Accessory Uses

As an integral, but secondary part of the operation of a new vehicle franchise, the following uses shall be permitted:

- a. Used vehicle sales, provided that the used vehicle sales are in conjunction with new vehicle sales and are not primary.
- b. Vehicle repair and service, in conjunction with new vehicle sales, see Section 9138.2.



- c. Vehicle parts and supply sales, in conjunction with new vehicle sales.
- d. Vehicle leasing, in conjunction with new vehicle sales.
- e. Vehicle washing and detailing, see Section 9138.13.
- f. Public and private parking lots.

3. Conditional Uses

The following uses are permitted only after a valid Conditional Use Permit (CUP) has been approved by the City:

- a. Auto body, paint and/or upholstery shops as an integral but secondary part of operating a new automobile franchise, see Section 9138.2.
- b. Restaurants, including drive-thru, cafes, dinner houses, or establishments offering food for in-house or take out consumption.
- c. Automobile service stations, see Section 9138.12.
- d. Transmitters, receivers and repeater stations (cell towers/monopoles).
- e. Used automobile sales as a primary use.
- f. Minor and major repair and service as a primary use located on properties fronting Avalon Boulevard and within the CA zone, see Section 9138.2.
 - 1. Lawfully established automotive repair facilities on property fronting Avalon Boulevard shall discontinue operations on or before July 1, 2017.

4. Interpretation of Uses Permitted

Other similar automobile and commercial related uses when interpreted by the Planning Commission as to performance standards as set forth in this section and determined by means of interpretation in accordance with Section 9172.24 of the Carson Municipal Code.

5. Prohibited Uses

- a. Any uses not fully enclosed within a building, except:
 - 1. Vehicle sales
 - 2. Vehicle storage
 - 3. Vehicle washing and detailing, which shall be screened from public right-of-way along street within the CAD zone and residential areas.
- b. Dismantling of vehicles or the storage of vehicles for parts.
- c. Outside storage of equipment, parts, inoperable vehicles or outside vehicle repair and maintenance.
- d. All uses are prohibited except as expressly permitted by the provision of this Section.



Finally, Section 9138.2, Vehicle Service and Repair, is recommended to be amended to provide the same termination date for those auto repair uses operating as a primary use on properties fronting Avalon Boulevard and located within the CA zone (added text underlined):

1a. Lawfully established automotive repair facilities on property fronting Avalon Boulevard and located with the CA zone shall discontinue operations on or before July 1, 2017.

Ability to comply with CMC 9138.15* and 9138.2*

* Lawfully established automotive repair facilities on property fronting Avalon Boulevard and located with the CA zone shall discontinue operations on or before July 1, 2017.

Conditional Use Permit No. 859-11: Vehicle Service and Repair as a Primary Use on Properties Fronting Avalon Boulevard and Located Within the CA (Commercial, Automotive) Zone.

Issue of Concern: Automotive Repair as a Primary Use

Staff has concern that an automotive repair facility operating as a primary use may not retain high standards due to changes in market conditions or a shift in the business plan. A CUP can provide conditions of approval to regulate the use.

MITIGATION: Staff is requesting that the Planning Commission consider this issue, and address the potential impacts of the proposed text amendment by assessing and implementing conditions of approval that control for automotive repair uses, such as a modification to existing development standards found in Section 9138.2 of the CMC, or other possible conditions that the Planning Commission deems appropriate. Staff has included a condition of approval for this conditional use permit request requiring that auto repair use close by July 1, 2017 as defined by the proposed text amendment contained in CMC Section 9133.

IV. Conclusion

This project will provide a service to the community, clean up and help maintain an otherwise vacant and underutilized site. The proposed project may also provide a local economic benefit from the potential influx of new customers and employees patronizing local businesses and a slight increase in sales tax revenue resulting from the sale of vehicle parts from the proposed location.

V. Environmental Review

Based upon staff review of the project, the proposed building rehabilitation and reuse will not have a significant effect on the environment. Thus, the project is found to be Categorically Exempt, pursuant to California Environmental Quality Act Guidelines, Article 19, Section 15301 – Existing Facilities.



VI. Recommendation

That the Planning Commission:

- **APPROVE** the Categorical Exemption;
- **APPROVE** Design Overlay Review No. 1400-11 and Conditional Use Permit No. 859-11, subject to the conditions of approval attached as Exhibit "B" to the Resolution;
- **RECOMMEND** approval of the proposed Text Amendment to Section 9138.15 of the Carson Municipal Code (CMC) to the City Council, to permit automotive repair as a primary use for those properties fronting Avalon Boulevard and within the CA (Commercial, Automotive) zone district, with an approved Conditional Use Permit; and
- **WAIVE** further reading and **ADOPT** Resolution No. _____, entitled, "A Resolution of the Planning Commission of the City of Carson approving Design Overlay Review No. 1400-11 for a façade remodel, recommending approval of an Ordinance Amendment to Section 9138.15 of the Carson Municipal Code to allow automotive repair as a primary use for those properties fronting Avalon Boulevard and within the CA (Commercial, Automotive) zone district, and approving Conditional Use Permit No. 859-11 to conduct such repair subject to approval of the ordinance amendment, on a site zoned CA (Commercial, Automotive) located at S. 21212 Avalon Boulevard."

VII. Exhibits

1. Planning Commission Staff Report Dated March 10, 2011 (without exhibits)
2. Excerpt of Planning Commission Minutes Dated March 10, 2011
3. Planning Commission Staff Report Dated March 23, 2011 (without exhibits)
4. Excerpt of Planning Commission Minutes Dated March 23, 2011
5. Draft Resolution
6. Site, Floor, and Elevation Plans (under separate cover)


Prepared by: _____


Steven C. Newberg, AICP, Associate Planner

Reviewed by: _____


John F. Signo, AICP, Senior Planner

Approved by: _____


Sheri Repp-Loadsmann, Planning Officer

SN/ d140111_c85911p,text-a





CITY OF CARSON
PLANNING COMMISSION STAFF REPORT

NEW BUSINESS DISCUSSION: March 10, 2011
 SUBJECT: Workshop regarding potential text amendment to Section 9138.15 of the Carson Municipal Code to consider allowing an auto repair use as a primary use in the CA (Commercial Automotive) zone with an approved Conditional Use Permit.
 APPLICANT: City of Carson
 REQUEST: Discuss and consider, provide Staff direction
 PROPERTIES INVOLVED: CA (Commercial, Automotive) zone district

COMMISSION ACTION

- Concurred with staff
- Did not concur with staff
- Other

COMMISSIONERS' VOTE

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

Item No. 12B

EXHIBIT No. 1



I. Introduction

In January, 2011 two separate applications were submitted to the Planning Division, each one proposing an auto repair use to be located on Avalon Boulevard in the CA (Commercial Automotive) zone district, as described below:

- Design Overlay Review No. 1398-11, Conditional Use Permit No. 856-11
 - Rick's Lube and Tune proposes a façade remodel of the former Don Kott Jeep automotive dealership building located at 21101 Avalon Boulevard, and construction of a new 3-bay drive-thru oil change facility and related parking lot, landscaping and site improvements. The CUP request is to permit auto repair in the CA zone.
- Design Overlay Review No. 1400-11, Conditional Use Permit No. 859-11
 - AutoWest Collision Group proposes a façade remodel and related landscaping, parking area, extensive interior improvements, and general site improvements to the former Don Kott Ford automobile dealership. The CUP request is to permit auto repair in the CA zone.

Upon initial consultation with staff, each applicant was informed that an auto repair use was a permitted use in the zone with an approved conditional use permit (CUP), pursuant to Section 9131.1 of the Carson Municipal Code (CMC) (Exhibit No. 1). During the review process, however, it was discovered that CMC Section 9138.15 (Exhibit No. 2), Commercial, Automotive Development Standards, prohibits auto repair as a primary use in the CA zone.

Specifically, sub-Section C, Permitted and Conditional Uses, of the same Section, allows for vehicle repair and service as an automatically permitted use only in conjunction with new vehicle sales, subject to operational and development standards contained in CMC Section 9138.2 (Exhibit No. 3), Vehicle Service and Repair. Furthermore, Section 9138.15 permits auto body, paint and/or upholstery shops as integral but secondary parts of operating new automobile franchises, subject to CUP authorization and CMC Section 9138.2.

II. Background

The CA zone is comprised of 18 properties in total which are located along the north side of 223rd Street between Lucerne Avenue and Wilmington Avenue, and the east and west sides of Avalon Boulevard between 213th Street and the 405 Freeway overpass.

In late 2007, Sonic Automotive obtained rights to a master lease of all the former Don Kott Automotive Dealerships fronting Avalon Boulevard between 213th Street and the 405 Freeway, which included former Ford, Lincoln, Mercury, Jeep, and Chrysler dealerships, and also includes the only remaining open dealership in that area, Carson Kia, as well as vacant property surrounding the south and west sides of the AM/PM convenience store on the southwest corner of 213th Street and Avalon Boulevard.



In early 2008, Sonic obtained approval of a text amendment and subsequent CUP and DOR approvals to refurbish the former Don Kott Ford/Lincoln/Mercury buildings and allow the sale of previously-owned ("used") vehicles as a primary use in the CA (Commercial, Automotive) zoning district.

Due to a recessed economy in 2008-2009 and sluggish automobile sales affecting most dealerships, Sonic found it imprudent at the time to expend the capital outlay necessary to refurbish the existing buildings, complete the related site improvements, and open the used car dealership. At Sonic's request, a one-year extension of time was granted in February, 2009 by the Planning Commission. However, Sonic submitted a letter to staff in April, 2010 indicating their complete withdrawal of the project from consideration. As a result the entire master lease area, except for the Kia Automotive Dealership, has remained vacant since December, 2007.

Since then, Sonic has been aggressively pursuing sub-lease opportunities to help offset costs associated with the approximate six-year remainder of their master lease obligations. There are options at the end of the initial lease term to continue leasing the sites. Sonic has been in negotiations with both of the applicants listed above, and seeks to possibly extend their lease options should the projects prove successful, meaning that auto repair uses could potentially remain on the sites anywhere from 5-15 years, or until 2026.

The purpose of this workshop is to discuss a potential text amendment to CMC Section 9138.15 to allow for auto repair in the CA zone as a primary use, subject to CUP approval. If auto repair uses are favorably considered, staff also seeks input on the addition of use-specific design and development standards. If auto repair uses are not favorably considered, staff will not recommend that the interested parties seek an ordinance amendment, and will provide a refund of associated permit costs paid thus far.

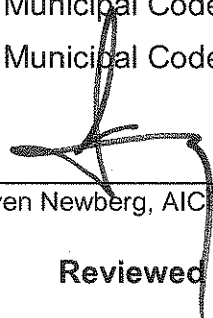
III. Recommendation

That the Planning Commission:

- CONSIDER and DISCUSS the information provided for in this workshop;
- PROVIDE direction to staff in how to proceed.

IV. Exhibits

1. Carson Municipal Code Excerpt: Section 9131.1.
2. Carson Municipal Code Excerpt: Section 9138.15.
3. Carson Municipal Code Excerpt: Section 9138.2.

Prepared by:  _____
Steven Newberg, AICP, Associate Planner

Reviewed and Approved by: _____
Sheri Repp Loadsman, Planning Officer



Applicant's Request:

The applicant, city of Carson, is requesting the Planning Commission discuss and consider the information provided for in this workshop regarding Section 9138.15 of the Carson Municipal Code concerning allowing auto repair as a primary use in the CA (Commercial Automotive) zone with approval of a conditional use permit; provide direction to staff. The properties involved are in the CA (Commercial, Automotive) zoned district.

Vice-Chairman Park asked if a CUP would be required for auto repair use if it's within 100 feet of residential.

Associate Planner Newberg indicated yes, but explained that in this case, staff is suggesting this use is primarily auto repair use with no car sales.

Planning Officer Repp explained that because there are some underutilized properties in this area with limited proposals, staff would support an amendment that would allow short-term auto repair use for the next five or six years; but pointed out that currently, Sonic has an option to extend the lease up to 15 years. She stated that the Planning Commission is to consider whether an ordinance amendment would be appropriate; explained that if the Planning Commission supports a short-term use, specific provisions will be included in the ordinance for that short-term use; and that if the Commission is open to extending that use, it would be subject to a CUP which would provide for the timeframe that use is permitted and/or extended.

Vice-Chair Park stated it is his understanding there are currently 90 car repair businesses in Carson.

Commissioner Goolsby stated that because these buildings are vacant, they create a blighted condition and noted he'd like to see some business on these properties.

Associate Planner Newberg noted that the applicant intends to put an approximate half-million-dollar investment into the interior and exterior of this property; and stated that staff believes the applicant's conceptual plans are aesthetically pleasing and appropriate for this site. He added that Rick's Lube and Tune is planning for a drive-through auto lube and tune facility along Avalon Boulevard and that he will also be making some contemporary upgrades to that property.

Commissioner Brimmer stated she would like to see some conceptual drawings.

Planning Officer Repp explained that the Commission should first consider whether an auto repair use should be permitted in this zone, whether it would be a short-term use or eligible for a longer term; and stated that standards can be developed either way that will best serve all parties involved.

Vice-Chairman Park noted his concern that the former Jeep property abuts the mobile home park and that the noise from the air tools may negatively impact those residents.

Commissioner Saenz noted that the economy could turn around within the next couple of years, stating that 10 to 15 years is a long time to tie up these properties with an automotive repair use.

properties.

Planning Officer Repp explained that the site is constrained because of the land lease which runs for another six years; advised that there have been several developers interested in this property, proposing such projects as a large single retail use, mixed use with restaurants, and noted that new auto dealerships might come back; and she pointed out that no one will completely redevelop the property with a six-year land lease.

Commissioner Diaz stated that he would support auto use for a short term rather than see these properties sit vacant, believing their investment into the properties should be predicated on that short-term understanding.

Rick Nickel, Rick's Lube and Tune, stated that the 76 gas station he is currently operating out of does not have ample room for his business; reminded the Commission of the City's relocation of his business a year and a half ago; and noted the importance of getting onto a site that can adequately fulfill his business needs/operations. He noted his intent to put a new façade on this building; advised that all work will be done inside the facility; and stated that he is willing to buy more expensive and quieter tools to lessen the noise, pointing out that they do not use a lot of air tools. He expressed his belief there is more noise being generated from the freeway next door than what will be generated from his business operations.

Alexander Astts, Auto West Collision Group, noted that this company has been in business for over 20 years, working on high-end collision repairs; advised that they are certified to work on most makes/models of vehicles; and stated they typically work with the dealerships. He added that they would be willing to open a new car franchise on this site to get an extended lease. He pointed out that approximately 90 percent of the high-end cars they work on are no older than five years; added that the majority of their sites are in Northern California, such as San Jose, Oakland, Fremont; and stated they are interested in bringing three new locations to Southern California, which they're proposing to be located in Carson, Monrovia, and Beverly Hills.

Napoleon Garcia, spray booth contractor, noted that his company manufactures spray booths for Southern California collision centers; that due to the poor economy, his company expanded into the Bay area where collision business seems to be much stronger; noted his support for the Auto West Collision Group; and advised that Auto West Collision Group typically locates their facilities in prime areas and that they cater to dealerships, such as Sonic. He added that the work is done inside the building.

Commissioner Schaefer expressed her belief that five or six years is not a short time period, questioning a business's decision to invest a lot of money into a property they only will be occupying for that five- or six-year term.

Planning Officer Repp noted that the Commission has three options to consider: change nothing, which means the auto repair will not be a permitted use; direct staff to draft an ordinance amendment to allow only a short-term auto repair use for six years; or draft the ordinance to allow short-term use with the option for an extension to 15 years. She highlighted staff's concern with this land sitting vacant for another six years, reiterating that staff would support this proposed use.

Commissioner Goolsby noted his support for drafting an ordinance amendment for the auto repair business and allowing an extension to 15 years.



possibility of an extension.

Commissioner Brimmer asked staff to come back with other options for the short term; questioned whether Sonic has asked to be let out of this lease; and reiterated her request to see some conceptual plans.

Planning Officer Repp stated if the Commission wishes to continue this workshop, the applicant should be able to provide preliminary plans for this site. She noted that amending the ordinance will also impact other CA zones.



CITY OF CARSON

PLANNING COMMISSION STAFF REPORT

NEW BUSINESS DISCUSSION: March 23, 2011
SUBJECT: Continued workshop regarding Section 9138.15 of the Carson Municipal Code to consider allowing auto repair as a primary use in the CA (Commercial Automotive) zone
APPLICANT: City of Carson
REQUEST: Discuss and consider item and provide direction
PROPERTIES INVOLVED: CA (Commercial, Automotive) zone district

COMMISSION ACTION

Concurred with staff
 Did not concur with staff
 Other

COMMISSIONERS' VOTE

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

Item No. 10B

EXHIBIT NO. 3



I. Introduction

This workshop was continued from the March 10, 2011 Planning Commission meeting in order to allow preliminary consideration of development plans for the former Don Kott automotive dealership properties. The proposed development plans are as follows:

- Design Overlay Review (DOR) No. 1398-11, Conditional Use Permit (CUP) No. 856-11
 - Rick's Lube and Tune proposes a façade remodel of the former Don Kott Jeep automotive dealership building located at 21101 S. Avalon Boulevard, and construction of a new 3-bay drive-thru oil change facility and related parking lot, landscaping and site improvements.
- Design Overlay Review (DOR) No. 1400-11, Conditional Use Permit (CUP) No. 859-11
 - AutoWest Collision Group proposes a façade remodel and related landscaping, parking area, extensive interior improvements, and general site improvements to the former Don Kott Ford automobile dealership located at 21212 Avalon Boulevard.

II. Background

The purpose of this workshop is to discuss the proposed plans and the future land uses for the subject properties and continue discussion of a potential text amendment to Section 9138.15 of the Carson Municipal Code (CMC) to allow for auto repair in the CA zone as a primary use, subject to a conditional use permit (CUP). Alternatives would include, a no-change option, a limited term option (i.e. six years, etc.), or an option to provide for a standard CUP process pursuant to Section 9172.21 of the CMC. Please refer to the March 10, 2011 Planning Commission staff report for further background.

III. Recommendation

That the Planning Commission:

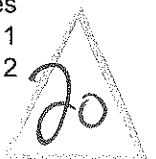
- CONSIDER and DISCUSS the information provided for in this workshop; and
- PROVIDE direction to staff in how to proceed.

IV. Exhibits

1. Draft Planning Commission Minutes dated March 10, 2011
2. Development Plans for DOR No. 1398-11 and CUP No. 856-11
3. Development Plans for DOR NO. 1400-11 and CUP No. 859-11

Prepared by: 
Steven Newberg, ACP, Associate Planner

Reviewed and Approved by: _____
Sheri Repp Loadsman, Planning Officer



Commissioner Verrett stated that the Chamber of Commerce represents the businesses and not the residents; and reiterated that she wants to see the trucks off Victoria and using the freeways more and using Main and Broadway.

Commissioner Schaefer stated it is not the Planning Commission's job to favor the residents over businesses, pointing out that the City needs both; stated she is sympathetic to the residents' concerns; pointed out it will be a monumental task to inform each truck driver where to drive; and that she does not believe there is any resolution to this debate this evening that would be of benefit to either the businesses or the residents. She stated that a lot of businesses are struggling during this economy and that they likely cannot afford extravagant changes to their operations; but stated that there must be some way to alleviate the impact to the residents by helping the residents to sound proof; but reiterated that the City should not be favoring one party over the other because they all belong here.

Planning Officer Repp agreed that the solution is about balancing competing interests; and she suggested that since there is no consensus on this issue this evening, that this workshop be continued for approximately 60 days which will allow staff and the traffic engineer to address the comments that were discussed at this meeting and to obtain further information; and stated that additional speakers will have an opportunity to address this issue before the Commissions at that time, both representing the businesses and the neighborhoods.

10. NEW BUSINESS DISCUSSION (cont'd)

B) Workshop regarding auto repair use in the CA zone

Applicant's Request:

The applicant, city of Carson, is requesting the Commission continue its workshop regarding Section 9138.15 of the Carson Municipal Code to consider allowing auto repair as a primary use in the CA (Commercial Automotive) zone. The properties involved are the CA (Commercial, Automotive) zoning district.

Staff Report and Recommendation:

Associate Planner Newberg presented staff report and the recommendation to CONSIDER and DISCUSS the information provided for in this workshop; and PROVIDE direction to staff in how to proceed.

Rick Nickel, Rick's Lube & Tune, stated that this business has been in operation in Carson for 22 years and that he is now the sole owner of this business; and noted that the current site he is temporarily working out of is not big enough for his business. He stated he does have a lease agreement with Sonic pending the outcome of the Planning Commission's decision.

Commissioner Brimmer thanked Mr. Nickel for providing a design board of the proposed site; and she asked how long his lease is with Sonic.



Mr. Nickel stated that should a lease be finalized, he will sign for a minimum of 6 years, ending February 2017, expressing his hope Sonic will sign him for a longer period or even sell him the property. He added that the noise from the operations will stay inside the building; that the freeway noise is louder than what will be coming from his operations; advised that his business will be open from 8:00 A.M. to 5:00 P.M.; and stated that he will make sure the adjacent mobilehome residents are not impacted by his business operations.

Alex Astts, Auto West Collision Group, stated he hopes to bring in 13 dealerships to support this collision business; to employ 100 qualified employees from the community; and to be a very successful operation.

Ben Lamond, Auto West Collision Group, explained that this is not a standard body shop, pointing out they deal with high-end vehicles; and stated they have 7 large facilities in Northern California and that they work with 40 dealerships in repairing their vehicles.

Planning Officer Repp stated that the Commission has 3 options to consider: do nothing and leave the properties as they currently are; provide for a short-term CUP process; and, third, allow for a standard CUP process, which means the CUP runs with the land and is open-ended. She stated that this becomes a policy consideration for land use and whether the Commission will make its determination on the zoning ordinance or market conditions.

Commissioner Diaz noted his support for a short-term lease with no possibility of an extension.

Commissioner Schaefer asked what the City's revenue would be from this business decision.

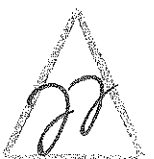
Associate Planner Newberg noted for Chairman Faleto go that Sonic has the lease to February 2017, with the option for two 5-year extensions.

Planning Officer Repp noted that as long as Sonic has authorization from the City, they would be able to extend the lease beyond February 2017. She noted that while it's a visible property from the freeway, it is near residential uses and that automotive use is typically not the highest and best use of this property, but pointed out that the proposal is better than letting this land stay vacant for the next 6 years.

Chairman Faleto go stated he would support 6 years with a reconsideration clause for an extension.

Commissioner Brimmer questioned whether 6 years is enough time for the applicants to recoup their investments.

Mr. Nickel stated it is possible for him to recoup his investment within 6 years, but reiterated his desire to take this risk and to prove to the City he is a valued business in this community and that the City will hopefully allow him to stay longer. He estimated he will be spending \$150,000 on improving this property.



Commissioner Saenz stated that the purpose of a business is not just to recoup their money but to grow beyond that sum, questioning if this will be a profitable venture at this prime location for 6 years.

Commissioner Diaz stated he would support a text amendment for Avalon Boulevard only.

Commissioner Goolsby stated that this is better than letting this prime real estate sit vacant; that they will generate 100 new jobs; and noted his support for the applicants, stating he would support an extension.

Mr. Astts stated that they obviously would not pour in the maximum amount of funding with no extensions possible, noting the property is already in great disrepair; and stated they would like the possibility of the two extensions in order to fully recoup the millions of dollars they will be spending on this property.

Edward Dilward stated that he has been the security guard at this property for the past two years; noted that the property is in disrepair and that it needs someone who is willing to put forth the effort and the money; and he urged the Commission's support of the applicant's request for the extensions.

Commissioner Diaz reiterated his support of the second bullet for the limited use; that the text amendment be limited to the Avalon Boulevard property only; and that it be permitted on a short-term basis.

Commissioner Brimmer noted her support for the text amendment to include Avalon Boulevard only and that the properties have an open-ended CUP.

Planning Officer Repp reminded the Commission that its decision will guide the investment these applicants are willing to make to these properties, based on their expectation how long they will be there.

Commissioner Brimmer stated she would support 6 years for Rick's Lube & Tune, but stated that she would give the auto body repair longer depending on her review of their conceptual plans; and stated she is inclined to support an open-ended CUP.

Associate Planner Newberg noted that the Commission will have a chance to modify the language when the applications are returned for public hearing.

Planning Officer Repp stated that both the applicants will work with staff in submitting the fees for an ordinance amendment and public hearing before the Commission, noting they will include CUP applications.

Planning Commission Decision:

Commissioner Diaz moved, seconded by Commissioner Verrett, to approve a 6-year limited term for these sites and for the code amendment to only affect Avalon Boulevard. Motion carried as follows:

AYES: Diaz, Faletogo, Saenz, Schaefer
NOES: Brimmer, Goolsby, Verrett



ABSTAIN: None
ABSENT: Gordon, Park

11. CONTINUED PUBLIC HEARING None.

12. PUBLIC HEARING

A) Conditional Use Permit No. 863-11 and
Conditional Use Permit No. 864-11

Applicant's Request:

The applicant, city of Carson, Development Services Group, is requesting the construction of a 20,000-square-foot recreation center to replace a 7,500-square-foot building and a shared parking agreement between Carson Park and Carson Street Elementary School. The subject site is located at 21411 South Orrick Avenue.

Staff Report and Recommendation:

Senior Planner Signo presented the staff report and the recommendation to ADOPT the Mitigated Negative Declaration; APPROVE Conditional Use Permit No. 862-11 and Conditional Use Permit No. 863-11 subject to the conditions of approval attached as Exhibit "B" to the Resolution; and WAIVE further reading and ADOPT Resolution No. 11-2383, entitled, "A Resolution of the Planning Commission of the city of Carson approving Conditional Use Permit No. 862-11 and Conditional Use Permit No. 863-11 for the construction of a new recreation center to replace an existing building and a shared parking agreement for the property located at 21411 South Orrick Avenue."

Commissioner Goolsby asked how much funding is being provided by the Redevelopment Agency for this project.

Planning Officer Repp advised that \$13 million is being funded by the Redevelopment Agency.

Senior Civil Engineer Marquez stated that the \$13 million is expected to cover every expense; and noted that this project has been approved by the City Council.

There being no further input, Chairman Faletogo closed the public hearing.

Planning Commission Decision:

Commissioner Diaz moved, seconded by Commissioner Brimmer, to approve staff recommendation, thus adopting Resolution No. 11-2383. Motion carried as follows:

AYES: Brimmer, Diaz, Faletogo, Goolsby, Saenz
NOES: None
ABSTAIN: None
ABSENT: Gordon, Park, Schaefer, Verrett

CITY OF CARSON
PLANNING COMMISSION
RESOLUTION NO. 11-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON APPROVING DESIGN OVERLAY REVIEW NO. 1400-11 FOR A FAÇADE REMODEL, RECOMMENDING APPROVAL OF AN ORDINANCE AMENDMENT TO SECTION 9138.15 OF THE CARSON MUNICIPAL CODE TO ALLOW AUTOMOTIVE REPAIR AS A PRIMARY USE FOR THOSE PROPERTIES FRONTING AVALON BOULEVARD AND WITHIN THE CA (COMMERCIAL, AUTOMOTIVE) ZONE DISTRICT, AND APPROVING CONDITIONAL USE PERMIT NO. 859-11 TO CONDUCT SUCH REPAIR SUBJECT TO APPROVAL OF THE ORDINANCE AMENDMENT, ON A SITE ZONED CA (COMMERCIAL, AUTOMOTIVE) LOCATED AT 21212 S. AVALON BOULEVARD.

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, AutoWest Collision Group, with respect to real property located at 21212 S. Avalon Boulevard, and described in Exhibit "A" attached hereto, requesting the approval of a façade remodel and related sign, landscaping, parking area, and general improvements to the former Don Kott Ford automobile dealership. Also, the applicant is requesting approval of an Ordinance Amendment to Sections 9131.1, 9133, 9138.2 and 9138.15 of the Carson Municipal Code and conditional use permit to permit vehicle service and repair ("automotive repair") as a primary use in the CA (Commercial, Automotive) zone district.

Public hearings were duly held on May 10, 2011 and May 24, 2011, 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 subject property is zoned CA (Commercial, Automotive) and has a General Plan Land Use designation of RC (Regional Commercial), which is consistent with the zoning designation. The proposed use is currently not permitted within the zone, thus the requests for a conditional use permit authorization and ordinance amendment. Surrounding uses include automobile dealerships, a convenience store, a mobile home park, and government offices. The proposed use is compatible with the General Plan and surrounding uses.
- b) Through the proposed façade improvements, the applicant intends to modernize the main sales building's appearance to be compatible with newer development in the vicinity. Landscape setbacks along Avalon Boulevard and 213th Street will be increased from five feet to ten feet, consistent with current standards. The subject property is adjacent to a commercially-zoned property which is compatible with the proposed use. The scale and appearance of the structures, as well as the large percentage of open space on the property contribute to a harmonious and attractive development of the area.



- c) The subject property is located on a corner lot at the intersection a major and local street. Adequate ingress and egress is accommodated on the site by virtue of three driveways from 213th Street and two along Avalon Blvd. Pedestrians accessing the site from the public right-of-way can enter along designated pedestrian paths that lead to the sales building. The site layout is provides for safe and effective vehicular and pedestrian access.
- e) The façade of the main sales building will be rehabilitated with repair of existing tiles and stucco finishes. Fresh paint will adorn all buildings and new signs are to be installed on the fascia board of the main building. The former pole sign at the southwest corner has been removed and will be replaced with a monument sign, colored and textured to match the style of the building's front elevation. A new, 25-foot high pole sign may be installed near the first driveway north of 213th Street. The use of contemporary materials and limited numbers of colors contribute to an attractive, restrained, and effective graphic, color, and sign presentation.
- f) Vehicle sales account for a significant percentage of sales tax revenue for the city. The 11-acre subject site was formerly occupied by the Don Kott Ford, Lincoln and Mercury automobile dealerships, which were major sales tax contributors. The subject site is currently vacant and underutilized, resulting in a substantial loss of sales tax revenue to the city. Furthermore, the subject property has been vacant since the closure of the former automotive dealerships in December, 2007, creating a significant blighting affect for a major and highly visible portion of the city's civic center and regional commercial area.
- g) The CA zone currently allows for existing automobile dealerships to operate automotive repair facilities, provided that such use is accessory to new vehicle sales. The proposal is to operate an automotive repair facility as a primary use. Recognizing the potential for proliferation of automotive repair as primary uses in the CA zone, the Planning Commission recommends approval of an ordinance amendment which authorizes only those properties fronting Avalon Boulevard and within the CA zone district to apply for a conditional use permit for auto repair as a primary use and which establishes a maximum operating period ending on or before July 1, 2017.
- h) The applicant's requested short-term opportunity to operate on the site as an automotive collision center will provide an appropriate use for the site, and remove the blighting effect by significantly upgrading the aesthetic appeal of the property with new landscaping, façade rehabilitation, and general site improvements.

Section 4. The Planning Commission further finds that the proposed building rehabilitation and reuse will not have a significant effect on the environment. Thus, the project is found to be Categorical Exempt, pursuant to California Environmental Quality Act Guidelines, Article 19, Section 15301 – Existing Facilities.

Section 5. Based on the aforementioned findings, the Commission hereby grants Design Overlay Review No. 1400-11 and Conditional Use Permit No. 859-11 with respect to the property described in Section 1 hereof, subject to the conditions set forth in Exhibit "B" attached hereto, and recommends approval of an Ordinance Amendment to Sections 9131.1, 9133, 9138.2 and 9138.15 of the Carson Municipal Code to City Council as shown in Exhibit "C", and approves the categorical exemption.



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 24th DAY OF MAY, 2011.

CHAIRMAN

ATTEST:

SECRETARY



CITY OF CARSON
OFFICE OF ECONOMIC DEVELOPMENT
PLANNING DIVISION
EXHIBIT "A"
LEGAL DESCRIPTION
DESIGN OVERLAY REVIEW NO. 1400-11
CONDITIONAL USE PERMIT NO. 859-11

Property Address: 21212 S. Avalon Boulevard

Parcel Identification Number: 7337-003-014

Those parts of Lot Number 2 in Tract Number 1089, as per Page 29 of Book 53 recorded in Maps, in the Office of the County Recorder of said County.

28

CITY OF CARSON
OFFICE OF ECONOMIC DEVELOPMENT
PLANNING DIVISION
EXHIBIT "B"
CONDITIONS OF APPROVAL
DESIGN OVERLAY REVIEW NO. 1400-11
CONDITIONAL USE PERMIT NO. 859-11

GENERAL CONDITIONS

1. If a building permit is not issued within one year of the date of approval of Design Overlay Review No. 1400-11 and Conditional Use Permit No. 859-11, said permits shall be declared null and void unless an extension of time is requested prior to their expiration and approved by the Planning Commission.
2. 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 approved 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.
3. The applicant shall make any necessary site plan and design revisions to the site plan and elevations approved by the Planning Commission and on file with the City Planning Division, 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.
4. The applicant shall submit two complete sets of plans that conform to all the Conditions of Approval, and which are consistent with the development plans included as exhibits to the staff report presented at the hearing in which the project was approved, including modifications to the plans and/or conditions of approval made by the Planning Commission during said hearing. Such approved development plans are subject to review and approval by the Planning Division prior to the issuance of a building permit.
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, 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.

7. 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.
8. 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.
9. Conditional Use Permit No. 859-11 authorizes vehicle service and repair ("automotive repair") as a primary use only for the southern portion of the subject property in the areas noted as "Carson AutoWest Building" in Exhibit "D-1" of this Resolution. A modification to this permit shall be required should the applicant wish to expand such automotive repair use into other areas of the subject property.
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 Design Overlay Review No. 1400-11 and Conditional Use Permit No. 859-11. 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.

PLANNING DIVISION

11. Pursuant to CMC Section 9133, the automotive repair use and all facilities associated with such use shall be either permanently closed for business, converted to a use considered as ancillary to a new vehicle dealership on the site as part of an approved development plan to convert to such an arrangement, or otherwise entirely removed from the premises by July 1, 2017.
12. 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. The Planning Division shall approve the location and signage for company "used oil recycling" services.
13. Any future building expansions will require a modification request to the Conditional Use Permit.



14. All operations such as work or repair on vehicles must be conducted within the building. No work shall be permitted within the parking lot.
15. All damaged or wrecked vehicles awaiting repair shall be effectively screened so as not to be visible from surrounding property or from any adjoining public street or walkway.
16. All repair activities shall be confined to the hours between 7:00 a.m. to 9:00 p.m. daily.
17. All display and storage shall be located within an enclosed building. Vehicles awaiting service may be parked in an unenclosed area for a period not to exceed seventy-two (72) hours.
18. Prevent storm water pollutants of concern such as oil and grease, solvents, car battery acid, coolant and gasoline from entering into the storm water conveyance system.
19. Avoid hosing down work areas. If work areas are washed, collect and direct wash water to sanitary sewer. Use dry sweeping if possible.
20. Designate a special area to drain and replace motor oil, coolant, and other fluids, where there are no connections to the storm drain or the sanitary sewer, and drips and spills can be easily cleaned up.
21. Post signs at sinks to remind employees not to pour wastes down drains

PARKING

22. All parking areas and driveways shall remain clear. No encroachment into parking areas and/or driveways shall be permitted.
23. Parking spaces shall be identified (marked) as provided in Section 9162.56 of the Zoning Ordinance.
24. Parking spaces shall be provided with perimeter guards as provided in Section 9162.55 of the Zoning Ordinance.
25. All areas used for the movement parking, loading, repair or storage of vehicles shall be paved with either
 - i. Concrete or asphaltic concrete to a minimum thickness of three and one-half inches over four inches of crushed aggregate base; or
 - ii. Other surfacing material which, in the opinion of the Director of Engineering Services, provides equivalent life, service and appearance.
26. Compact spaces shall be properly designated pursuant to Section 9162.43 of the Zoning Ordinance.



27. Parking for handicapped shall comply with the requirements of Section 9162.42 of the Zoning Ordinance.

LANDSCAPING/IRRIGATION

28. The applicant shall submit two sets of landscaping and irrigation plans drawn, stamped, and signed by a licensed landscape architect. Such plans are to be approved by the Planning Division prior to the issuance of any building permit.
29. Such landscaping and irrigation plans shall be stamped and signed by a licensed landscape architect and are to include, but are not limited to:
- b. A landscape setback area 10-feet in width along the subject property frontage facing 213th Street and Avalon Boulevard;
 - c. A minimum area of 120 square feet of annual flowers surrounding the area proposed for a monument sign;
 - d. Annual flowers wherever possible; and
 - e. Irrigation system designed to commercial grade standards.

Furthermore, these plans are subject to Planning Division review and approval before landscape/irrigation construction, which is to be completed prior to the issuance of final occupancy.

30. The applicant shall comply with the provisions of Section 9168 of the Zoning Ordinance, "Water Efficient Landscaping."
31. The applicant shall install 6-inch by 6-inch concrete curbs around all landscaped planter areas, except for areas determined by a SUSMP/NPDES permit, or other applicable condition of approval that requires certain landscaped areas to remain clear of concrete curbs for more efficient stormwater runoff flow and percolation. Revised landscaping and irrigation plans shall be reviewed and approved by the Planning Division should subsequent modifications be required by other concerned agencies regarding the removal of concrete curbs.
32. Landscaping shall be provided with a permanently installed, automatic irrigation system and operated by an electrically-timed controller station set for early morning or late evening irrigation.

UTILITIES

33. All utilities and aboveground equipment shall be constructed and located pursuant to Section 9136.8 of the Zoning Ordinance, unless otherwise provided for in these conditions.
34. All roof mounted equipment shall be screened from public view or incorporated into the design of the structure or building.
35. All utility meters will be painted the same color as the structures to reduce visibility (the Gas Company will not allow meters to be placed in boxes).



AESTHETICS

36. Texture treatment (such as rough stucco, sandblasting, etc.) shall be incorporated into building facades, subject to Planning Division approval.
37. Down spouts shall be interior to the structure or architecturally integrated into the structure to the satisfaction of the Planning Division.
38. The specification of all colors and materials must be submitted and approved by the Planning Division prior to the issuance of any building permits.
39. Graffiti shall be removed from all project areas within 3 days of written notification by the City of Carson. Should the graffiti problem persist more than twice in any calendar year, the matter may be brought before the Planning Commission for review and further consideration of site modifications (i.e., fencing, landscaping, chemical treatment, etc.).

SIGNS

40. Business signs and sign structures shall be permitted in conformance with development plans which have been approved pursuant to the Site Plan and Design Review procedures (including the number of signs and sign structures to be permitted) as provided in Section 9172.23. The monument sign shall be designed to match the existing building, including color(s), texture(s), and/or finish(es), and shall be subject to Planning Division review and approval prior to the issuance of a building permit for said sign.
41. Use of the existing freeway sign located on the southwest corner of the subject property shall be prohibited, unless expressly permitted by written authorization from the Planning Officer.
42. All permitted business signs must be in compliance with the provisions of Section 9136.7 of the Zoning Ordinance.

FENCES/WALLS

43. All fences, walls and hedges shall be located and constructed in compliance with the standards as provided for in Section 9136.3 (commercial zones) of the Zoning Ordinance.
44. Existing chain-link fencing located along the perimeter and interior of the southern portion of the subject lot, facing 213th Street shall be replaced with 6-foot wrought-iron fencing, subject to review and approval by the Planning Division prior to construction. Existing chain-link adjacent to the freeway may remain.
45. Concertina/razor wire, and barbed wire is prohibited. Shepard's crook atop the required wrought-iron is may be used as an alternative, subject to review and approval by the Planning Division. Existing Concertina/razor wire, if any, adjacent to the freeway may remain.



LIGHTING

46. All exterior lighting shall be provided in compliance with the standards as provided for in Section 9137.1 (commercial zones) of the Zoning Ordinance.
47. Such lights are to be directed on-site in such a manner as to not create a nuisance or hazard to adjacent street and properties, subject to the approval of the Planning Division.

TRASH

48. A trash enclosure and recycling area shall be provided and located on a four inch concrete pad. A painted metal, self-closing door shall be used for enclosing the entrance to the trash and recycling areas. The trash and recycling area enclosure design is to be approved by the Planning Division prior to issuance of any building permit(s).
49. Recycling areas shall be provided in accordance with Sections 9164.4 and 9164.5 of the Zoning Ordinance. The number and size of recycling facilities are subject to the approval of the Planning Division.

FIRE DEPARTMENT - COUNTY OF LOS ANGELES

50. Provide Fire Department and City approved street signs and building address numbers prior to occupancy.
51. All required fire hydrants shall be installed, tested and accepted prior to construction. Vehicular access must be provided and maintained serviceable throughout construction.

PUBLIC SAFETY - CITY OF CARSON

52. Ensure compliance with non-structural seismic mitigation measures, e.g. overhead glass treatments should use safety glass or film; vending machines, ice machines (if used) and other types of machines and equipment should be bolted or braced.
53. Ensure compliance with current seismic mitigation codes.
54. Where practical, surface treatments, accessibility or landscaping strategies should work to deter graffiti. Stucco or cinder block walls, with access to the public, should be set back or landscaped in such a way as to deter graffiti.

ENGINEERING SERVICES DEPARTMENT - CITY OF CARSON

55. If needed, easements shall be granted to the City, appropriate agency, or entity for the purpose of ingress, egress, construction, and maintenance of all infrastructures constructed and handicap access for this development to the satisfaction of the City Engineer and or appropriate agency or entity.



56. Repair any broken or raised sidewalk, curb and gutter along Carson Street within or abutting this proposed development per City of Carson Standard and to the satisfaction of the City Engineer.
57. A construction permit is required for any work to be done in the public right-of-way.
58. Any improvements damaged during the construction shall be removed and reconstructed per City of Carson Standard plan and to the satisfaction of the City Engineer.
59. All infrastructures necessary to serve the proposed development (water, sewer, storm drain, and street improvements) shall be in operation prior to the issuance of Certificate of Occupancy.
60. Prior to issuance of Building Permit, the following must be on file:
 - f. Drainage/Grading plan prepared by a registered Civil Engineer, to the satisfaction of the Building and Safety Division.
 - g. Construction bond as required for all work to be done within the public right of way.
 - h. Proof of Worker's Compensation and Liability Insurance.
61. The Developer shall comply with the applicable SUSMP requirements and shall incorporate into the project plan a Storm Water Mitigation Plan, which includes those Best Management Practices necessary to control storm water pollution from construction activities and facility operations prior to issuance of Building Permit.

BUSINESS LICENSE DEPARTMENT - CITY OF CARSON

62. 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.



EXHIBIT "C"

ORDINANCE NO. 11-

AN ORDINANCE OF THE CITY OF CARSON, CALIFORNIA, AMENDING THE CARSON MUNICIPAL CODE TO ALLOW FOR VEHICLE REPAIR AS A PRIMARY USE FOR THOSE PROPERTIES FRONTING AVALONG BOULEVARD AND LOCATED WITHIN THE CA (COMMERCIAL, AUTOMOTIVE) ZONE, WITH AN APPROVED CONDITIONAL USE PERMIT

THE CITY COUNCIL OF THE CITY OF CARSON DOES ORDAIN AS FOLLOWS:

Section 1. Code Amendment. Section 9131.1 (Uses Permitted) of Division 1 (Uses Permitted) of Part 3 (Commercial Zones) of Chapter 1 (Zoning) of Article IX (Planning and Zoning) of the Carson Municipal Code is hereby amended to read as follows:

	"Zones"			
	CN	CR	CG	CA
Vehicle Sales and Service				
Sales:				
Automobile service station, subject to the requirements of Section 9138.12. (See Section 9133)	L	L	L	C
Automobile laundry, subject to the requirements of Section 9138.13	C	C	C	
Automobile parts (new)*.	X	X	X	
Motorcycles or motorscooters (new)*. (See Section 9138.15)		X	X	L
Automobiles, recreation vehicles, and trucks not over 2-ton capacity (new)*. (See Section 9138.15)		L	L	L
Automobiles, recreation vehicles, and trucks not over 2-ton capacity (used – as accessory use)*. (See Section 9138.15)			L	L



Automobiles, recreation vehicles, and trucks not over 2-ton capacity (used – as primary use). (See Section 9133 and 9138.15)			C
Recreation vehicles, over 2-ton capacity (new)*. (See Section 9133 and 9138.15)	X	C	L
Recreation vehicles, over 2-ton capacity (used – as accessory use)*. (See Section 9133 and 9138.15)		C	L
Travel trailers or trailers, not over 2-ton capacity (new)*.	L	L	
Travel trailers or trailers, not over 2-ton capacity (used)*.		L	
Trucks, trailers over 2-ton capacity (new)*. (See Section 9133)	X	C	
Trucks, trailers over 2-ton capacity (used)*. (See Section 9133)		C	
Recreational vehicles, rental and leasing. (See Section 9138.15(c))			L
Boats and accessory equipment	C	L	
Auctions for used automobiles, recreational vehicles, travel-trailers, trucks or trailers, not over 2-ton capacity, motorcycles or motorscooters, subject to the requirements of Section 9138.21.	L	L	

Rental and Leasing:



All vehicles up to 2-ton capacity.	L	
All vehicles over 2-ton capacity. (See Section 9133)	C	
Repair of all vehicles up to 2-ton capacity (no boats):		
<u>Minor and major repair as defined in Section 9138.11 (only as a primary use on properties fronting Avalon Boulevard) (See Sections 9133, 9138.15, and 9138.2)</u>		<u>C</u>
Minor repair as defined in Section 9138.11 and subject to the provisions of Section 9138.2.	L	L
Major repair as defined in Section 9138.11 and subject to the provisions of Section 9138.15 (for CA zone only)* (See Section 9133)	L	C"

Section 2. Code Amendment. Section 9133 (Conditional Use Criteria) of Division 3 (Conditional Use Criteria) of Part 3 (Commercial Zones) of Chapter 1 (Zoning) of Article IX (Planning and Zoning) of the Carson Municipal Code is hereby amended by adding a new paragraph to read as follows:

“Vehicle repair and service (as primary use*) for those properties fronting Avalon Boulevard and within the CA zone only:

Ability to comply with CMC 9138.15* and 9138.2*

* Lawfully established automotive repair facilities on property fronting Avalon Boulevard shall discontinue operations on or before July 1, 2017.”

Section 3. Code Amendment. Sub-section 3 (Conditional Uses) of Sub-section C (Permitted and Conditional Uses) of Section 9138.15 (Commercial, Automotive (CA) Development Standards) of Part 3 (Commercial Zones) of Chapter 1

(Zoning) of Article IX (Planning and Zoning) of the Carson Municipal Code is hereby amended to read as follows:

“C. Conditional Uses

The following uses are permitted only after a valid Conditional Use Permit (CUP) has been approved by the City:

- a. Auto body, paint and/or upholstery shops as an integral but secondary part of operating a new automobile franchise, see Section 9138.2.
- b. Restaurants, including drive-thru, cafes, dinner houses, or establishments offering food for in-house or take out consumption.
- c. Automobile service stations, see Section 9138.12.
- d. Transmitters, receivers and repeater stations (cell towers/monopoles).
- e. Sales of used automobiles, recreation vehicles, and trucks not over 2-ton capacity, as a primary use. See Section 9133.
- f. Minor and major repair and service as a primary use located on properties fronting Avalon Boulevard and within the CA zone, see Section 9138.2.
 1. Lawfully established automotive repair facilities on property fronting Avalon Boulevard shall discontinue operations on or before July 1, 2017.”

Section 4. Code Amendment. Section 9138.2 (Vehicle Service and Repair) of Division 8 (Special Requirements for Certain Uses) of Part 3 (Commercial Zones) of Chapter 1 (Zoning) of Article IX (Planning and Zoning) of the Carson Municipal Code is hereby amended to add a Sub-section “1a.” to follow immediately after the existing Sub-section 1 to read as follows:

“1a. Lawfully established automotive repair facilities on property fronting Avalon Boulevard and located with the CA zone shall discontinue operations on or before July 1, 2017.

Ability to comply with CMC 9138.15* and 9138.2*

* Lawfully established automotive repair facilities on property fronting Avalon Boulevard and located with the CA zone shall discontinue operations on or before July 1, 2017.”

Section 5. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance or any part thereof is for any reason held to be unconstitutional or contrary to state law, such decision shall not affect the validity of the remaining portion of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph,

sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsection, subdivision, paragraph, sentence, clause or phrase be declared unconstitutional or contrary to state law.

PASSED, APPROVED and ADOPTED this ____ day of _____, 2011.

MAYOR JIM DEAR

ATTEST:

CITY CLERK HELEN KAWAGOE

APPROVED AS TO FORM:

CITY ATTORNEY

