



# CITY OF CARSON

## PLANNING COMMISSION STAFF REPORT

NEW BUSINESS CONSENT: September 27, 2011

SUBJECT: Modification No. 4 to Design Overlay Review No. 848-04

APPLICANT: Aldon, Inc. (Carson Toyota)  
1333 E. 223<sup>rd</sup> Street  
Carson, CA 90745

REPRESENTATIVE: GRS Construction  
Attn: Gene Falaya  
14098 Quail Ridge Drive  
Riverside, CA 92503

REQUEST: Approval to modify approved site plan and reauthorize a previously approved, but never constructed, detached carwash as an ancillary use to an existing 131,758-square-foot Carson Toyota automobile dealership on an approximately 9.35-acre property located within the CA (Commercial, Automotive) zone and within the Carson Consolidated Redevelopment Project Area

PROPERTY INVOLVED: 1333 E. 223<sup>rd</sup> Street

### COMMISSION ACTION

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

### COMMISSIONERS' VOTE

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

***Item No. 9B***

## I. Introduction

The applicant Aldon, Inc., doing business as Carson Toyota, is requesting approval to modify an approved site plan and to reauthorize a detached carwash ancillary to the primary automobile dealership.

## II. Background

The site is located at 1333 E. 223<sup>rd</sup> Street on approximately 9.35 acres within the CA (Commercial, Automotive) zone and within the Carson Consolidated Redevelopment Project Area. The existing automobile dealership includes substantial on-site improvements including landscaping, lighting, vehicle display areas, upgraded fencing and other improvements. Signage complies with the approved sign program and all improvements are consistent with the CA (Commercial, Automotive) development standards.

### *Previously Approved Permits*

On April 12, 2005, Planning Commission approved Conditional Use Permit No. 570-04 and Variance No. 467-04, and recommended approval of Design Overlay Review (DOR) No. 848-04 to the Carson Redevelopment Agency for the construction of the new Carson Toyota dealership, a carwash, and reduced side yard setback from 10 feet to 5 to 7 feet along Lucerne Street. The Redevelopment Agency approved Resolution No. 05-17 for DOR No. 848-04 on May 3, 2005. Modification No. 1 to DOR No. 848-04, approved by the Planning Commission on December 13, 2005, included an alternate site layout and building design which was eventually discarded by the applicant. Modification No. 2 to DOR No. 848-04, which was approved by Planning Commission on January 31, 2006, included a larger main building and modified phasing plan. On September 23, 2008, the Planning Commission approved a consent item for Modification No. 3 to DOR No. 848-04 approving Carson Toyota's request to approve a modified development plan depicting the location of a 12,500 gallon above-ground fuel tank to be located within the northeast quadrant of the subject property. Also, a condition of approval requiring a seven-foot dedication of land along Lucerne Street was removed.

### *Current Proposal – Modification No. 4 to Design Overlay Review No. 848-04*

The applicant is requesting to modify the approved site plan by removing a 2,000-square-foot building intended for a carwash facility which was never constructed. Instead, the applicant wishes to incorporate the carwash into the east half of a 3,700-square-foot building currently being used for automobile detailing.

## III. Analysis

Pursuant to Condition of Approval No. 3 contained in Redevelopment Agency Resolution No. 05-17 approving DOR No. 848-04, substantial revisions to the site plan will require review by the Planning Commission.



### *Conditional Use Permit Requirement*

In the staff report prepared for the April 12, 2005 Planning Commission public hearing, it was stated that pursuant to Section 9138.13 (Automobile Laundry) of the CMC, carwash facilities are subject to a Conditional Use Permit within Industrial zones. Section 9172.21 (D) of the Zoning Ordinance requires that the Planning Commission, by Resolution, render its approval based on the ability to make affirmative findings based on the criteria found in that section. At that time, the zoning designation of the subject properties had not yet been changed to reflect the Commercial, Automotive designation.

However, CMC Section 9138.15 concerning Commercial, Automotive (CA) zone development standards, states that vehicle washing and detailing are permitted as accessory uses as part of the operation of a new vehicle franchise. Carwashes for automobile dealerships located in the CA-zone are subject to Section 9138.13, which states that a CUP is not required for carwashes operating as a secondary use for a new vehicle dealership. Therefore, only the modification to the site plan is required to be reviewed by the Planning Commission.

All of the findings were made in the affirmative, reviewed, approved, and adopted on April 12, 2005 by the Planning Commission as Resolution No. 05-2029. The same findings can be made for the current carwash facility proposal. Staff is requiring that additional landscaping be placed at the northeast corner of the wash facility near the entrance to help screen the interior mechanisms from public view along the freeway.

#### **IV. Environmental Review**

An initial study for the automobile dealership, including a carwash component, was prepared for the project in 2004, in accordance with the California Environmental Quality Act (CEQA) guidelines. It was determined that pursuant to Section 15063(b)(2) of the CEQA guidelines, the project would not have a significant effect on the environment, and a Negative Declaration was prepared, circulated for review to the public, and adopted by the Planning Commission in 2005. The proposed carwash location will not increase the potential for significant environmental impacts and warrants no further environmental review.

#### **V. Recommendation**

That the Planning Commission:


- **WAIVE** further reading;
- **APPROVE** Modification No. 4 to Design Overlay Review No. 848-04; and
- **ADOPT** Resolution No. 11-\_\_\_\_\_, entitled, "A Resolution of the Planning Commission of the City of Carson approving Modification No. 4 to Design Overlay Review No. 848-04 for the construction of an automobile laundry to be operated as an accessory use to an automobile dealership located at 1333 E. 223<sup>rd</sup> Street."



VI. Exhibits

1. Draft Resolution
2. Proposed Site Plan and Elevations

Prepared by:   
Steven Newberg, AICP, Associate Planner

Reviewed by:   
John F. Signo, AICP Senior Planner

Approved by:   
Sheri Repp-Loadsman, Planning Officer

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CITY OF CARSON  
PLANNING COMMISSION  
RESOLUTION NO. 11-\_\_\_\_\_

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON APPROVING MODIFICATION NO. 4 TO DESIGN OVERLAY REVIEW NO. 848-04 FOR THE CONSTRUCTION OF AN AUTOMOBILE LAUNDRY TO BE OPERATED AS AN ACCESSORY USE TO AN AUTOMOBILE DEALERSHIP LOCATED AT 1333 E. 223<sup>RD</sup> STREET

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

**Section 1.** An application was duly filed by the applicant, Carson Toyota, with respect to real property located at 1333 E. 223<sup>rd</sup> Street and described in Exhibit "A" attached hereto, requesting the approval of Modification No. 4 to Design Overlay Review No. 848-04, to incorporate an automobile laundry (carwash) into an existing 3,700-square-foot building currently used for automobile detailing. The subject property is located in the CA (Commercial, Automotive) zoning district.

A public meeting of the Planning Commission was duly held on September 27, 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 automobile laundry facility is a permitted accessory use in the CA zoning district in association with an automobile dealership. The zoning for the subject property is consistent with the General Plan Land Use designation of Regional Commercial. The automobile laundry facility will enhance certain utility functions of the existing automobile dealership and is consistent with the intended use of the subject property. Therefore, the proposed use and development is consistent with the General Plan.
- B) All findings made in previously adopted Planning Commission Resolution Nos. 05-2028, 05-2029, 05-2063, and 08-2227 are still applicable, affirmative, and supportive of the existing automobile dealership.
- C) The proposed carwash location is within an existing building constructed in 2008 as a component of the new automobile dealership. A portion of the interior of the existing building will be modified to accommodate the automated carwash machinery. The exterior of the building will be modified to provide drive-thru openings for vehicles. The overall building design is contemporary and compatible with the existing architecture of the new automobile dealership on the subject property and others in the vicinity.

**Section 4.** An initial study for the automobile dealership, including a carwash component, was prepared for the project in 2004, in accordance with the California Environmental Quality Act (CEQA) guidelines. It was determined that pursuant to Section 15063(b)(2) of the CEQA guidelines, the project would not have a significant effect on the environment, and a Negative Declaration was prepared, circulated for review to the public,

and adopted by the Planning Commission in 2005. The proposed carwash location will not increase the potential for significant environmental impacts and warrants no further environmental review.

**Section 5.** Based on the aforementioned findings, the Commission hereby approves Modification No. 4 to Design Overlay Review No. 848-04 with respect to the property described in Section 1 hereof, subject to the conditions set forth in Exhibit "B" attached hereto.

**Section 6.** The Secretary shall certify the adoption of this Resolution and shall transmit copies of the same to the applicant.

**Section 7.** This action shall become final and effective fifteen days after the adoption of this Resolution unless within such time an appeal is filed with the City Clerk in accordance with the provisions of the Carson Zoning Ordinance.

**PASSED, APPROVED AND ADOPTED THIS 27<sup>th</sup> DAY OF SEPTEMBER 2011.**

\_\_\_\_\_  
**CHAIRMAN**

**ATTEST:**

\_\_\_\_\_  
**SECRETARY**



CITY OF CARSON  
DEVELOPMENT SERVICES  
PLANNING DIVISION  
EXHIBIT "A"

LEGAL DESCRIPTION

MODIFICATION NO. 4 TO DESIGN OVERLAY REVIEW NO. 848-04

Property Address: 1333 E. 223<sup>rd</sup> Street

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

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



**CITY OF CARSON**  
**DEVELOPMENT SERVICES GROUP**  
**PLANNING DIVISION**  
**EXHIBIT "B"**

**CONDITIONS OF APPROVAL**

**MODIFICATION NO. 4 TO DESIGN OVERLAY REVIEW NO. 848-04**

GENERAL CONDITIONS

1. Conditions set forth under Redevelopment Agency Resolution No. 05-17 approved on May 3, 2005, Modification No. 1 to Design Overlay Review No. 848-04 approved by the Planning Commission on December 13, 2005, Modification No. 2 to Design Overlay Review No. 848-04 approved by Planning Commission on January 31, 2006, and Modification No. 3 to Design Overlay Review No. 848-04 approved by Planning Commission on September 23, 2008 shall apply to this project unless specifically modified, added, or deleted herein. In the event that a previously approved condition(s) conflicts with a condition(s) contained herein, the condition(s) contained herein shall control.
2. 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 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. Additional landscaping shall be placed along the northeast corner of the carwash facility. Such landscaping is subject to review and approval by the Planning Division prior to final field sign-off.
4. The applicant shall comply with all city, county, state and federal laws and regulations applicable to this land division.
5. The applicant shall make any necessary revisions to the development plans in order to comply with all the conditions of approval and applicable Zoning Ordinance provisions. Substantial changes will require review by the Planning Commission.
6. The applicant and property owner shall sign an Affidavit of Acceptance form and submit the document to the Planning Division within 30 days of receipt of the Planning Commission Resolution.
7. It is further made a condition of this approval that if any condition is violated or if any law, statute or ordinance is violated, the permit shall lapse, provided the





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

8. The applicant shall submit two complete sets of plans that conform to all the Conditions of Approval included herein to be reviewed and approved by the Planning Division prior to the issuance of a building permit.
9. The Applicant shall defend, indemnify and hold harmless the City of Carson, its agents, officers, or employees from any claims, damages, action, or proceeding against the City or its agents, officers, or employees to attack, set aside, void or annul, and approval of the City, its advisory agencies, appeal boards, or legislative body concerning Design Overlay Review No. 04-03-848 (DOR 848-04) and associated modifications. The City will promptly notify the Applicant of any such claim, action, or proceeding against the City and the Applicant will either undertake defense of the matter and pay the City's associated legal costs or will advance funds to pay for defense of the matter by the City Attorney. The City will cooperate fully in the defense. Notwithstanding the foregoing, the City retains the right to settle or abandon the matter without the Applicant's consent but should it do so, the City shall waive the indemnification herein, except, the City's decision to settle or abandon a matter following an adverse judgment or failure to appeal, shall not cause a waiver of the indemnification rights herein.

