



# CITY OF CARSON

## PLANNING COMMISSION STAFF REPORT

NEW BUSINESS CONSENT: April 14, 2009

SUBJECT: Extension of Time for Conditional Use Permit No. 690-08

APPLICANT/OWNER: Sonic Automotive  
(c/o AHT Architects – Patrick Wirz)  
2120 Wilshire Boulevard, Suite 200  
Santa Monica, CA 90403

REQUEST: A one-year time extension for Design Overlay Review No. 1262-08 and Conditional Use Permit No. 690-08 to permit the sale of previously-owned (“used”) vehicles as a primary use in the CA (Commercial, Automotive) zone district.

PROPERTY INVOLVED: 21212 South Avalon Boulevard

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### COMMISSION ACTION

Concurred with staff  
 Did not concur with staff  
 Other

### COMMISSIONERS' VOTE

AYE	NO		AYE	NO	
		Chairperson Faletogo			Cannon
		Vice-Chair Saenz			Gordon
		Brimmer			Graber
		Brown			Verrett

**Item No. 9B**

**I. Introduction**

The applicant, Sonic Automotive, is requesting a one-year extension for Design Overlay Review No. 1262-08 and Conditional Use Permit No. 690-08, pursuant to Condition No. 1 of Planning Commission Resolution No. 08-2192. The property is located at 21212 Avalon Boulevard and is zoned CA (Commercial, Automotive).

**II. Background**

On February 26, 2008, the Planning Commission approved Design Overlay Review No. 1262-08 and Conditional Use Permit No. 690-08, to permit a façade remodel and related sign, landscaping, parking area, and general improvements to the former Don Kott Ford/Lincoln/Mercury automobile dealership. At that same meeting, Ordinance Amendment No. 08-1404 was recommended for approval to the City Council. The amendment was approved by the City Council on March 18, 2008. A second reading was conducted on April 1, 2008 and the ordinance became effective on May 1, 2008. The CUP was approved to allow the sale of previously-owned (“used”) vehicles as a primary use in the CA (Commercial, Automotive) zoning district and was contingent upon the approval and codification of Ordinance No. 08-1404. Thus, Conditional Use Permit No. 690-08 became effective on May 1, 2008 and will expire on May 1, 2009 unless the time extension is approved. The applicant is requesting that both the DOR and CUP permits be given a one-year time extension to May 1, 2010.

**III. Analysis**

The applicant claims that due to a recessed economy and sluggish automobile sales affecting most dealerships, it is not prudent at this time to expend the capital outlay necessary to refurbish the existing buildings, complete the related site improvements, and open the dealership. However, Sonic intends to complete these improvements and open the approved used car dealership once the economy shows signs of improvement, which they are anticipating to occur sometime within the next year.

**IV. Recommendation**

That the Planning Commission:

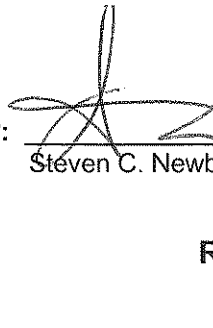
- **APPROVE** the extension of time for Design Overlay Review No. 1262-08 and Conditional Use Permit No. 690-08 until May 1, 2010; and
- **ADOPT** a minute resolution extending the approval to May 1, 2010.

**V. Exhibits**

1. Planning Commission Resolution No. 08-2192 adopted on February 26, 2008

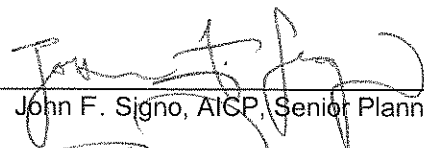


Prepared by:



Steven C. Newberg, AICP, Associate Planner

Reviewed by:



John F. Signo, AICP, Senior Planner

Approved by:



Sheri Repp-Loadsmann, Planning Division Manager

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CITY OF CARSON  
PLANNING COMMISSION

RESOLUTION NO. 08-2192

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON APPROVING DESIGN OVERLAY REVIEW NO. 1262-08 FOR A FAÇADE REMODEL AND RECOMMENDING APPROVAL OF A TEXT AMENDMENT TO SECTION 9138.15 OF THE CARSON MUNICIPAL CODE TO ALLOW FOR THE SALE OF USED AUTOMOBILES AS A PRIMARY USE WITHIN THE CA (COMMERCIAL, AUTOMOTIVE) ZONE DISTRICT, AND APPROVING CONDITIONAL USE PERMIT NO. 690-08 TO CONDUCT SUCH SALES, SHOULD THE CODE AMENDMENT BE APPROVED, ON A SITE ZONED CA (COMMERCIAL, AUTOMOTIVE) LOCATED AT 21212 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, Sonic Automotive, with respect to real property located at 21212 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/Lincoln/Mercury automobile dealership. Also, the applicant is requesting approval of an Ordinance Amendment to Section 9138.15 of the Carson Municipal Code and conditional use permit to permit the sale of previously-owned ("used") vehicles as a primary use in the CA (Commercial, Automotive) zone district.

A public hearing was duly held on February 26, 2008, at 6:30 P.M. at City Hall, Council Chambers, 701 East Carson Street, Carson, California. A notice of time, place and purpose of the aforesaid meeting was duly given.

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

**Section 3.** The Planning Commission finds that:

- a) The 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 text amendment. Surrounding uses include automobile dealerships, a convenience store, a mobile home park, and a government office. The subject property has only one adjacent neighbor, a car dealership. 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 213<sup>th</sup> 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 213<sup>th</sup> 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 modernized by removal of the clay tile mansard. Fresh paint will adorn the main sales buildings and new signs are to be installed on the fascia board of the sales buildings. 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 213<sup>th</sup> 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 contributors to the sales tax base in the city. The subject site is currently vacant and underutilized, resulting in a substantial loss of sales tax revenue to the city. The applicant's projections for used automobile sales at the subject site meet or exceed past sales performance of new automobiles at the subject site. By doing so, the applicant will facilitate filling a void in the city's current sales tax base by providing new sources of tax revenue.

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

**Section 5.** Based on the aforementioned findings, the Commission hereby grants Design Overlay Review No. 1262-08 and Conditional Use Permit No. 690-08, and recommends approval of a Text Amendment to Section 9138.15 of the Carson Municipal Code to City Council, with respect to the property described in Section 1 hereof, subject to the conditions set forth in Exhibit "B" attached hereto, 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.

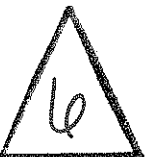
**PASSED, APPROVED AND ADOPTED THIS 26<sup>th</sup> DAY OF FEBRUARY, 2008.**

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CHAIRMAN



ATTEST:

SECRETARY



LEGAL DESCRIPTION

EXHIBIT "A"

PARCEL A1:

~~PARCEL 1 OF PARCEL MAP NO. 17332, IN THE CITY OF CARSON, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP FILED IN BOOK 197 PAGES 97 AND 98 OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.~~

PARCEL A2:

NORTH  
SIDE

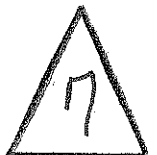
PARCEL 2 OF PARCEL MAP NO. 17332, IN THE CITY OF CARSON, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP FILED IN BOOK 197 PAGES 97 AND 98 OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

PARCEL B:

SOUTH  
SIDE

PARCEL 2, IN THE CITY OF CARSON, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS SHOWN ON PARCEL MAP NO. 4268 FILED IN BOOK 53 PAGE 29 OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

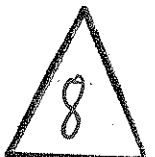
END OF LEGAL DESCRIPTION



**CITY OF CARSON**  
**DEVELOPMENT SERVICES**  
**PLANNING DIVISION**  
**EXHIBIT "B"**  
**CONDITIONS OF APPROVAL**  
**DESIGN OVERLAY REVIEW NO. 1262-08**  
**CONDITIONAL USE PERMIT NO. 690-08**

GENERAL CONDITIONS

1. If a building permit is not issued within one year of the date of approval of Design Overlay Review No. 1262-08 and Conditional Use Permit No. 690-08, 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. 690-08 authorizes used car sales as a primary use only for the southern portion of the subject property in the areas noted as Buildings "A", "B", and "C" in Exhibit "D-1" of this Resolution. A modification to this permit shall be required should the applicant wish to expand used car sales 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. 1262-08 and Conditional Use Permit No. 690-08. 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. A minimum of seventy (70) per cent of used vehicle inventory shall be comprised of model year vehicles not more than five (5) years older than the current model year. The applicant shall keep an inventory of vehicles onsite, which includes model year information, available for city inspection should the need arise.
12. All used vehicles onsite shall be considered in very good or excellent condition, as defined by current industry standards for used automobiles.

#### PARKING

11. All parking areas and driveways shall remain clear. No encroachment into parking areas and/or driveways shall be permitted.
12. Parking spaces shall be identified (marked) as provided in Section 9162.56 of the Zoning Ordinance.



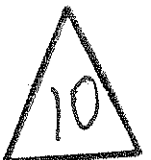
13. Parking spaces shall be provided with perimeter guards as provided in Section 9162.55 of the Zoning Ordinance.
14. All areas used for the movement parking, loading, repair or storage of vehicles shall be paved with either
  - a. Concrete or asphaltic concrete to a minimum thickness of three and one-half inches over four inches of crushed aggregate base; or
  - b. Other surfacing material which, in the opinion of the Director of Engineering Services, provides equivalent life, service and appearance.
15. Compact spaces shall be properly designated pursuant to Section 9162.43 of the Zoning Ordinance.
16. Parking for handicapped shall comply with the requirements of Section 9162.42 of the Zoning Ordinance.

#### LANDSCAPING/IRRIGATION

17. The applicant shall submit two sets of landscaping and irrigation plans drawn, stamped, and signed by a licensed landscape architect and in substantial conformance with preliminary landscape plans dated February 14, 2008. Such plans are to be approved by the Planning Division prior to the issuance of any building permit.
18. Such landscaping and irrigation plans shall be stamped and signed by a licensed landscape architect and are to include, but are not limited to:
  - a. A landscape setback area 10-feet in width along the subject property frontage facing 213<sup>th</sup> Street and Avalon Boulevard;
  - b. A minimum area of 120 square feet of annual flowers surrounding the area proposed for a monument sign;
  - c. Annual flowers wherever possible; and
  - d. 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.

19. The applicant shall comply with the provisions of Section 9168 of the Zoning Ordinance, "Water Efficient Landscaping."
20. 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.

21. 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

22. 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.
23. All roof mounted equipment shall be screened from public view or incorporated into the design of the structure or building.
24. 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

25. Texture treatment (such as rough stucco, sandblasting, etc.) shall be incorporated into building facades, subject to Planning Division approval.
26. Down spouts shall be interior to the structure or architecturally integrated into the structure to the satisfaction of the Planning Division.
27. The specification of all colors and materials must be submitted and approved by the Planning Division prior to the issuance of any building permits.
28. 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

29. 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 church 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.
30. All permitted business signs must be in compliance with the provisions of Section 9136.7 of the Zoning Ordinance.

#### FENCES/WALLS



31. 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.
32. Existing chain-link fencing located along the perimeter and interior of the southern portion of the subject lot, facing 213<sup>th</sup> 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.
33. 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

34. All exterior lighting shall be provided in compliance with the standards as provided for in Section 9137.1 (commercial zones) of the Zoning Ordinance.
35. 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

36. 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).
37. 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

38. Provide Fire Department and City approved street signs and building address numbers prior to occupancy.
39. 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

40. 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.

41. Ensure compliance with current seismic mitigation codes.
42. 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

43. 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.
44. 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.
45. A construction permit is required for any work to be done in the public right-of-way.
46. 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.
47. 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.
48. Prior to issuance of Building Permit, the following must be on file:
  - a. Drainage/Grading plan prepared by a registered Civil Engineer, to the satisfaction of the Building and Safety Division.
  - b. Construction bond as required for all work to be done within the public right of way.
  - c. Proof of Worker's Compensation and Liability Insurance.
49. 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

50. 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.

