



CITY OF CARSON

PLANNING COMMISSION STAFF REPORT

NEW BUSINESS CONSENT: May 12, 2009

SUBJECT: Modification No. 1 to Design Overlay Review No. 808-02

APPLICANT: Sonic Automotive
Representative: Murray Fischer
433 N. Camden Drive, No. 888
Beverly Hills, CA 90210

REQUEST: To permit a new off-site vehicle parking/storage facility as an accessory use to the existing Carson Honda automotive dealership.

PROPERTY INVOLVED: 640 E. 213th Street (remote parking site) & 1463 E. 223rd Street (Carson Honda dealership)

COMMISSION ACTION

Concurred with staff

Did not concur with staff

Other

COMMISSIONERS' VOTE

AYE	NO		AYE	NO	
		Chairman Faletogo			Graber
		Vice-Chair Saenz			Park
		Brimmer			Schaffer
		Brown			Verrett
		Gordon			

Item No. 9B

I. Introduction

Date Application Received

- March 16, 2009

Property Owner

- 1463 E. 223rd Street: Enri 2 LLC, 24812 Outlook Ct., Carmel, CA, 93923
- 640 E. 213th Street: Terminal Car Leasing, Inc., PO Box 5306 Carson, CA, 90749

Project Applicant

- Sonic Automotive (Murray Fischer), 433 N. Camden Drive, No. 888, Beverly Hills, CA 90210

Project Address(es)

- 1463 E. 223rd Street (existing automobile dealership)
- 640 E. 213th Street (proposed new vehicle remote parking lot)

Project Description

- To permit a new off-site vehicle parking/storage facility as an accessory use to the existing Carson Honda automotive dealership.

Current Use of Property

- 1463 E. 223rd Street: Carson Honda automobile dealership
- 640 E. 213th Street: Vacant parking lot

Existing General Plan Land Use Designation/ Zoning/ Surrounding Uses

- 1463 E. 223rd Street:
 - General Plan: Commercial Regional
 - Zoning: CA (Commercial Automotive)
 - Surrounding Uses: Automobile dealerships to the east and west; industrial uses across the 405 Freeway to the north; industrial uses to the south across 223rd Street
- 640 E. 213th Street:
 - General Plan: Commercial Regional
 - Zoning: CR-D (Commercial, Regional – Design Overlay)
 - Surrounding Uses: Commercial uses to the north and east; single-family residences to the west; Bel-Aire mobilehome park to the south

II. Background

On April 15, 2003, the Carson Redevelopment Agency approved DOR No. 808-02 for a new 46,375-square-foot automobile dealership, including a showroom, offices, vehicle service area, and related improvements at 1463 E. 223rd Street (Exhibit No. 1). As a condition of the sale of the Agency-owned property to Sonic, an agreement was executed which required that the Agency provide an area for off-site parking of Sonic Honda's new vehicle inventory for a period of twenty (20) years. The chosen location was an Agency-owned property located at 2254 E. 223rd Street, just east of Sonic Honda's property. Honda, Nissan, and Toyota initially shared this Agency-owned property for the storage of their new vehicle inventories. In 2005, BP



expressed interest in acquiring a certain portion of the property for their new office building. BP was successful in acquiring the property from the Agency. However, as a condition of the sale, BP was obligated to provide for the relocation of Sonic Honda's new car inventory, which it provided further west on 223rd Street east of Wilmington Avenue. Sonic Honda has since been storing new vehicle inventory at this location.

In 2006, Sonic acquired lease rights to the former Don Kott Ford/Lincoln/Mercury dealerships and the rest of Don Kott's property along Avalon Boulevard, north of 213th Street. This included Car Pros' Kia, Jeep/Chrysler, and Dodge automotive dealerships, as well as the vacant property adjacent to the convenience store and gas station located on the southwest corner of 213th Street and Avalon Boulevard. Sonic promptly renegotiated subleases for all of Car Pros' interests on the properties, and pursued a conditional use permit and ordinance amendment to open a used-car dealership on the former Ford/Lincoln site. CUP No. 690-08 was granted in February 2008 to allow for the proposed used-car dealership, however, Sonic opted not to pursue it due to the worsening economy. As a result, the former Don Kott dealerships have remained vacant for nearly two years and Sonic has been experiencing substantial financial losses, causing them to look for ways to trim operating costs for their existing dealerships. To facilitate cutting costs, Sonic is proposing to use the vacant property at 640 E. 213th Street as a remote parking area for their new vehicle inventory, thereby saving the costs of paying for storage on the BP lot where their new vehicle inventory is currently located.

Upon notification of their intent to relocate their new vehicle inventory to the subject lot, the Agency sought to have Sonic provide a written statement relieving the Agency and BP from further obligation to provide for an off-site parking arrangement for their new vehicle inventory, which Sonic has provided. In order to formalize the relocation, DOR No. 808-02 requires a modification since the off-site storage of new vehicle inventory is accessory to the primary dealership use. Thus, the applicant is seeking Planning Commission approval of the proposed modification.

III. Analysis

Condition No. 3 of Redevelopment Agency Resolution No. 03-21 contained in Exhibit No. 1, states that substantial revisions to the approved development plan will require review by the Planning Commission. The proposed site plan is for an off-site property not considered in the originally approval and thus requires approval by the Planning Commission.

The subject lot intended to be used for inventory storage is approximately two acres in area and is located at the southwest corner of 213th Street and Avalon Boulevard adjacent to an existing convenience store and gas station. It was previously used as a new vehicle inventory storage area for the former Don Kott automobile dealerships. The lot is paved and there is adequate lighting for security and nighttime visibility. Currently, there is a black, wrought-iron fence, approximately eight feet in height along the perimeter of the property with sliding gates at each street. Bougainvillea is planted on the fence which provides both screening and aesthetic appeal to the site. The applicant intends to keep the fence intact, but will be upgrading the landscape



areas fronting the property, which will contain flowers, shrubs, and some trees. A total of approximately 272 parking spaces will be provided on the site. Public access to the site is prohibited, and there will be no self-parking (by customers, employee parking, etc.). The off-site parking lot is located **XX** miles from the Carson Honda dealership.

Issue of Concern

- Deliveries: Staff initially had concerns regarding the movement of delivery trucks to and from the property, in terms of adequately accessing the site and being able to deliver vehicles in a safe and unobtrusive manner, considering the residential uses adjacent to the south and west of the subject lot. The applicant assured staff that there are to be no vehicle deliveries to the site by truck and that all vehicles will be driven on and off the lot by Sonic Honda personnel.
 - Mitigation: Staff has included a condition of approval prohibiting vehicle deliveries by trucks to the subject lot.

- Duration of Permit: Sonic has expressed their intent of using this development opportunity to mitigate their financial losses in the near-term. Staff informed Sonic of their concern that the proposed use is not the highest and best use for the property, nor is it a use that was anticipated for the property in terms of meeting the goals and objectives set forth in the General Plan. However, staff does recognize the importance of vehicle sales to the city in terms of sales tax revenue and the plight of automotive dealerships left in the city in light of a dour national economy. As such, staff is recommending that the Planning Commission consider a short-term expiration date for the proposed use on the property of 2-4 years.
 - Mitigation: Staff has included a condition of approval which specifies an expiration date of the development plan for the property, subject to the discretion of the Planning Commission and review and approval by the City Attorney.

- Extension of Permit: Staff is concerned that the applicant may not be able to secure an alternate location after the 2-4 years has expired. Although the Planning Commission may grant an extension, the applicant should be encouraged to pursue other storage locations during the duration of this permit. Preferably, the applicant should consider properties located closer to the dealership on 223rd Street, which may include properties owned by BP, Watson Land, or AMB.
 - Mitigation: Staff has included a condition to require the applicant to pursue an alternate location for permanent vehicle storage.

IV. Environmental Review

Pursuant to Section 15301(e) "Existing Facilities" of the California Environmental Quality Act (CEQA), the new off-site vehicle parking facility, accessory to an existing



automobile dealership, does not have the potential for causing a significant effect on the environment and is found to be exempt.

V. **Recommendation**

That the Planning Commission:

WAIVE further reading and **ADOPT** Resolution No. ____, entitled "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON APPROVING MODIFICATION NO. 1 TO DESIGN OVERLAY REVIEW NO. 808-02 FOR A NEW OFF-SITE VEHICLE PARKING LOT AT 640 E. 213th STREET AS AN ACCESSORY USE TO AN EXISTING AUTOMOBILE DEALERSHIP LOCATED AT 1435 E. 223rd STREET."

VI. **Exhibits**

1. Carson Redevelopment Agency Resolution No. 03-21, dated April 15, 2003
2. Development Plans

Prepared by: _____
Steven C. Newberg, AICP, Associate Planner

Reviewed by: _____
John F. Signo, AICP, Senior Planner

Approved by: _____
Sheri Repp, Planning Manager

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CITY OF CARSON
PLANNING COMMISSION
RESOLUTION NO. _____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON APPROVING MODIFICATION NO. 1 TO DESIGN OVERLAY REVIEW NO. 808-02 FOR A REMOTE NEW VEHICLE PARKING LOT AT 640 E. 213th STREET AS AN ACCESSORY USE TO AN EXISTING AUTOMOBILE DEALERSHIP LOCATE AT 1435 E. 223rd STREET

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

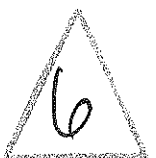
Section 1. An application was duly filed by the applicant, Sonic Automotive, with respect to real property located at 640 E. 213th Street located in the CR-D (Commercial, Regional – Design Overlay) zoning district and described in Exhibit "A" attached hereto, requesting the approval of Modification No. 1 to Design Overlay Review No. 808-02, to permit a new off-site vehicle inventory parking lot as an accessory use to an existing automotive dealership for Carson Honda located at 1463 E. 223rd Street and within the CA (Commercial, Automotive) zoning district.

This item was heard and discussed at a public meeting that was duly held on May 12, 2009, 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 CR-D (Commercial, Regional – Design Overlay) and has a General Plan Land Use designation of Regional Commercial, which is consistent with the zoning designation. Surrounding uses include automobile dealerships, a convenience store, a mobilehome park, and a government office. The proposed use is compatible with the General Plan and surrounding uses.
- b) Through landscaping and parking area improvements, the applicant intends to upgrade the existing appearance to be compatible with newer development in the vicinity. Landscape setbacks along Avalon Boulevard and 213th Street will be replanted and upgraded. The existing wrought-iron fence and vines will help screen the proposed use and provide an aesthetic enhancement to the property while contributing to a harmonious and attractive development of the area.
- c) The subject property is located on the southwestern corner of Avalon Boulevard and 213th Street. Adequate ingress and egress is provided by virtue of driveways located on each street. Public access is prohibited on the site, as only automobile dealership personnel will access the site with vehicles intended for inventory storage. Automobile delivery trucks are prohibited from delivering to the site. All vehicles will be brought in and taken out by service personnel and or salespeople from the dealership.
- d) There are no signs intended for the subject property or proposed use.



- e) The subject site is underutilized and currently vacant. By permitting the applicant to use the site on a short-term basis, the city is facilitating the applicant's efforts to cut operating costs and maintain economic vitality by utilizing vacant property for the existing dealership facility.

Section 4. Pursuant to Section 15301(E)(1), Existing Facilities, of Article 19, of the California Environmental Quality Act (CEQA), this project has been deemed to be Categorically Exempt from further environmental review.

Section 5. Based on the aforementioned findings, the Commission hereby approves Modification No. 1 to Design Overlay Permit No. 808-02 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 12th DAY OF MAY 2009.

CHAIRMAN

ATTEST:

SECRETARY



CITY OF CARSON
DEVELOPMENT SERVICES
PLANNING DIVISION
EXHIBIT "B"

CONDITIONS OF APPROVAL

MODIFICATION NO. 1 TO DESIGN OVERLAY REVIEW NO. 808-02

GENERAL CONDITIONS

1. All conditions contained in Exhibit "B", of Planning Commission Resolution No. 03-1931 passed and approved on March 25, 2003, and Redevelopment Agency Resolution No. 03-21 passed and approved on April 15, 2003, shall remain in full force and effect, except as expressly modified by this resolution.
2. If the proposed development authorized by Modification No. 1 to Design Overlay Review No. 808-02 is not implemented within one year of its effective date, said modification shall be declared null and void unless an extension of time is previously approved by the Planning Commission.
3. This use authorized by Modification No. 1 to Design Overlay Review No. 808-02 shall expire within 3 years of its effective date, rendering said modification null and void unless an extension of said authorization is previously approved by the Planning Commission.

During the effectiveness of this permit, the applicant shall in good faith effort obtain an agreement with a local property owner(s) for a permanent location for off-site vehicle storage to be used after this permit has expired. In the event that the applicant pursues an extension of time to utilize the property located at 640 E. 213th Street, the applicant shall furnish proof of seeking an alternate location(s) as justification for an extension of time. The Planning Commission shall review and consider the applicant's justification in its decision for granting an extension of time.

4. The applicant shall submit a landscape plan indicating specific tree, shrub, and flower species, location and quantity of said species, subject to review and approval by the Planning Manager, prior to the issuance of a business license for the authorized use at the subject property.
5. Automobile delivery trucks, including but not limited to multi-vehicle transporters, hook-style tow trucks, flatbed tow trucks, etc., shall be prohibited at the off-site storage area located at 640 E. 213th Street. All vehicle deliveries shall be driven onto the site by authorized personnel only.
6. 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 the



modification to Design Overlay Review No. 808-02 and modification to **Conditional Use Permit No. 584-04 ???**. 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.