



CITY OF CARSON

PLANNING COMMISSION STAFF REPORT

PUBLIC HEARING: August 9, 20022

SUBJECT: Mural Installation

APPLICANT: Trophy VPC, LLC
21140 S. Avalon Boulevard
Carson, CA 90745

OWNER: Kott Family Trust
Mail Address: PO BOX 5306
Carson CA, 90749

REQUEST: Consider approval of two Murals located at the FAB Cars used car dealership.

PROPERTY INVOLVED: 21126 S. Avalon Boulevard

COMMISSION ACTION

AYE	NO		AYE	NO	
		Chairperson (Vacant)			Hernandez
		Vice-Chair Palmer			Huff
		Diaz			Monteclaro
		Docdocil			Rashad
		Guerra			D. Thomas
					Alt. (Vacant) Alt. Mfume Alt. Wilson

Item No. 6A

On July 12, 2022, the Planning Commission opened the public hearing for this item and subsequently continued it to this meeting for further consideration. We previously issued a courtesy public hearing notice for this item.

I. Introduction

Applicant

Trophy VPC, LLC
21140 S. Avalon Boulevard
Carson, CA 90745

Property Owner

Kott Family Trust
Mail Address: PO BOX 5306
Carson CA, 90749

II. Project Description

The business owner/operator of Fab Cars, a used car dealership, submitted an application for the approval of two existing “murals” located on walls at 21126 S. Carson Boulevard, the business premises of the FAB Cars used car dealership.

The first mural faces Avalon Boulevard and the second mural faces the southbound 405 Freeway traffic. The murals are discussed in more detail below.

Subsection (E)(1) of Carson Municipal Code (CMC) Section 9138.15 (Commercial, Automotive (CA) Development Standards) provides that each automobile dealer business in the Commercial Automotive District (CAD) “will be responsible for the construction, installation and maintenance of its signage, and must submit for design review approval to the City of Carson pursuant to this Section.” CMC 9138.15(E)(8)(e) requires Planning Commission review of special displays such as murals or other similar types.

III. Project Site and Surrounding Land Uses

The subject property is located in the CA (Commercial Automotive) Zone and is designated RC (Regional Commercial) under the Land Use Element of the General Plan. The subject property is located on the northeast corner of Avalon Boulevard and 213th Street.

Land uses surrounding the project site include residential, commercial and the 405 freeway.



The following table provides a summary of information regarding the project site:

Site Information	
General Plan Land Use	Regional Commercial
Zone District	Commercial Automotive
Site Size	Approximately 4.75 acres
Present Use and Development	Auto Dealership
Surrounding Uses/Zoning	North: Interstate 405 Freeway South: Commercial; Commercial Regional, design Overlay (CR-D) East: Interstate 405 Freeway West: Residential; Commercial Automotive (CA)
Access	Ingress/Egress: Avalon Boulevard

IV. Analysis

The subject property is located on Avalon Boulevard on the northeast corner of Avalon Boulevard and E. 213th Street. Mural number 1 (as described below) is visible to pedestrian and vehicular traffic on Avalon Boulevard. Mural number 2 (as described below) is only visible to vehicular traffic southbound on the I-405 Freeway. Mural number 1 and mural number 2 are collectively referred to below as the “Murals.” Because this project is installed on private property, maintenance of the Murals will be the responsibility of the property owner.

The boundaries of the Commercial, Automotive (CA) District is generally located on the south side of the 405 San Diego Freeway on 223rd Street, between Lucerne Street to the

west and Alameda Street to the east. Also included in the CAD is the Fab Cars business located on Avalon Boulevard, north of 213th Street and south of the 405 Freeway; and the KIA Dealership on Recreation Road, north of the 405 Freeway.

The Commercial Automotive District is intended to maximize retail sales of new automobiles at dealerships located within the City of Carson and promote the development of a Commercial Automotive District consisting of automobile and light truck sales facilities with consistent and appealing landscaping, lighting, signage and compatible architectural elements.

Mural number 1

Mural number 1 (Figure A) measures approximately 12' feet high by 56' feet wide. The mural consists of a collage of brilliant flowers (yellow, red, orange, green) on a blue background. A notable trait of mural number 1 is that it includes a prominent "Fab Cars" logo/insignia in the middle, which is advertising the subject property business.



Figure A

Per CMC Section 9138.15(E)(2)(a)(5), wall painted signs are prohibited in the CA Zone. "Sign" is defined in CMC 9191.558 as "any name, figure, painting, character, outline, spectacle, display, delineation, announcement, advertising, billboard, signboard, device, appliance or any other thing of similar nature to attract attention outdoors or on the face, wall or window of any building, and shall include all parts, portions, units and materials composing of the same, together with the frame, background, support and anchorage therefor." "Wall Sign" is defined as "any sign posted, painted on, suspended from or otherwise affixed to the wall of any building or structure in an essentially flat position or with the exposed face of the sign in a plane approximately parallel to the plane of such wall."

Staff’s interpretation is that Mural number 1 constitutes a wall-painted sign within the meaning of Section 9138.15(E)(2)(a)(5) due to the inclusion of the “Fab Cars” logo in the middle of Mural number 1. In staff’s view, the logo constitutes an advertisement of the subject business and attracts attention outdoors on the wall of a building, rendering Mural number 1 a “sign” under the above-referenced definition. As a “sign,” it would also constitute a “wall sign” as defined in the CMC because it is painted on a wall in an essentially flat position or with the exposed face of the sign in a plane approximately parallel to the plane of the wall. As a “wall sign,” it also constitutes a wall-painted sign within the meaning of 9138.15(E)(2)(a)(5) because it is painted on the wall. Accordingly, the proposed resolution would approve Mural number 1 subject to a condition of approval requiring removal of the Fab Cars logo from Mural number 1. This condition is included as condition no. 1 in the conditions of approval attached to the proposed resolution as Exhibit “B.”

Mural number 2

Mural number 2 (Figure B) measures approximately 13’ feet high by 11’ feet wide. The mural consists of an image of a telephone cord that spell out the word “help” and at the end a male figure is both holding on to the telephone cord and appears to be falling down in a prone position.



Figure B

The proposed resolution would approve Mural number 2 subject to the general conditions of approval attached to the resolution as Exhibit “B.”

V. Environmental Review

Pursuant to Section 15060(c) of the California Environmental Quality Act (CEQA) Guidelines, the proposed activity (review/approval of the existing Murals) is not subject to CEQA because the activity does not have the potential to, and will not, result in direct or reasonably foreseeable indirect physical change in the environment. As such, it does not constitute a project within the meaning of CEQA (14 CCR 15378). Alternatively, the activity is covered by the common sense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment. (14 CCR 15061(b)(3)). Here it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, as it relates only to legalization of existing Murals.

VI. Public Notice

Notice of public hearing was published in the newspaper on July 1, 2022. Notices were mailed to property owners and occupants within a 750' radius by June 30, 2022. Notice was delivered to the applicant on June 30, 2022. The agenda was posted at City Hall no less than 72 hours prior to the Planning Commission meeting.

VII. Recommendation

That the Planning Commission:

- **ADOPT** Resolution No. 22-__ entitled "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON CONDITIONALLY APPROVING TWO MURALS LOCATED AT 21126 S. AVALON BOULEVARD."

VIII. Exhibits

1. Proposed Resolution
 - a. Legal Description
 - b. Conditions of Approval

Prepared by: Alvie Betancourt, Planning Manager

CITY OF CARSON
PLANNING COMMISSION
RESOLUTION NO. 22- ____

**A RESOLUTION OF THE PLANNING COMMISSION OF
THE CITY OF CARSON CONDITIONALLY APPROVING
TWO MURALS LOCATED AT 21126 S. AVALON BLVD.**

WHEREAS, on or about March 16, 2022, the Department of Community Development received an application from Trophy VPC, LLC, for real property located at 21126 S. Avalon Blvd. and legally described in Exhibit “A” attached hereto, requesting design review approval of two existing wall paintings claimed to constitute murals (the “Murals”) located on the subject property; and

WHEREAS, studies and investigations were made and a staff report with recommendations was submitted, and the Planning Commission, upon giving the required notice, did on the 12th day of July 2022, and continued on the 9th day August, 2022, conduct a duly noticed public hearing as required by law to consider the application. Notice of the hearing was given to the applicant and mailed to property owners and properties within a 750-foot radius of the project site by June 28, 2022; and

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF CARSON, CALIFORNIA, HEREBY RESOLVES AS FOLLOWS:

SECTION 1. The Planning Commission finds that the foregoing recitals are true and correct, and are incorporated herein by reference.

SECTION 2. The Planning Commission finds as follows:

- a) CMC Section 9138.15(E)(1) provides that each automobile dealer business in the Commercial Automotive District (CAD) “will be responsible for the construction, installation and maintenance of its signage, and must submit for design review approval to the City of Carson pursuant to this Section.”
- b) CMC Section 9138.15(E)(8)(e) requires Planning Commission approval for “special displays such as murals or other similar types, not specified [in CMC 9138.15(E)]” that are located in the CAD. The subject property is located in the CAD. “Mural” is not defined in the Carson Zoning Ordinance, so the dictionary definition applies. The dictionary definition of “mural,” as a noun, is generally understood to be a large painting or work of art done on a wall.
- c) Mural number 1 (as referred to and depicted in Figure A in the Planning Commission staff report dated July 12, 2022) in the application is painted on a wall that is visible to pedestrian and vehicular traffic on Avalon Boulevard. It measures approximately 12 feet high by 56 feet wide, and consists of a collage of brilliant flowers (yellow, red, orange, green) on a blue background. A notable trait of Mural number 1 is that it includes a prominent “Fab Cars” logo/insignia in the middle, which is advertising and attracting attention to the business that currently operates at the subject property (under the name of Fab Cars).

- d) Mural number 2 (as referred to and depicted in Figure B in the Planning Commission staff report dated July 12, 2022) in the application is painted on a wall that is only visible to vehicular traffic southbound on the I-405 Freeway. It measures approximately 13 feet high by 11 feet wide, and consists of an image of a telephone cord that spells out the word “help” and at the end a male figure is both holding on to the telephone cord and appears to be falling down in a prone position.
- e) Carson Municipal Code (“CMC”) Section 9138.15(E)(2)(a)(5) expressly prohibits wall-painted signs in the CAD. For purposes of CMC Section 9138.15, “sign” is defined (in CMC 9191.558) as “any name, figure, painting, character, outline, spectacle, display, delineation, announcement, advertising, billboard, signboard, device, appliance or any other thing of similar nature to attract attention outdoors or on the face, wall or window of any building, and shall include all parts, portions, units and materials composing of the same, together with the frame, background, support and anchorage therefor.” “Wall sign” is defined for purposes of CMC Section 9138.15 as “any sign posted, painted on, suspended from or otherwise affixed to the wall of any building or structure in an essentially flat position or with the exposed face of the sign in a plane approximately parallel to the plane of such wall.” (CMC 9191.606).
- f) Mural number 1 constitutes a wall-painted sign within the meaning of Section 9138.15(E)(2)(a)(5), and therefore is prohibited in its current form on the subject property. The inclusion of the “Fab Cars” logo in the middle of Mural number 1 renders it a “sign” under the definition in CMC 9191.558 because it constitutes an advertisement of the subject business and attracts attention outdoors on the wall of a building. As a “sign,” it also constitutes a “wall sign” under the definition in CMC 9191.606 because it is painted on a wall in an essentially flat position or with the exposed face of the sign in a plane approximately parallel to the plane of the wall. As a “wall sign,” it also constitutes a wall-painted sign within the meaning of 9138.15(E)(2)(a)(5) because it is painted on the wall. Accordingly, Mural number 1 cannot be approved as a mural pursuant to CMC 9138.15(E)(8)(e) consistent with CMC Section 9138.15(E)(2)(a)(5) unless the existing “Fab Cars” logo is removed from Mural number 1. Accordingly, removal of the Fab Cars logo must be required as a condition of approval of Mural number 1, and such a condition is included in the conditions of approval attached hereto as Exhibit “B.”
- g) Mural number 2 constitutes a mural and does not constitute a sign or a wall-painted sign. It does not include any apparent advertisement of the business operating on the subject property, and can be approved pursuant to CMC 9138.15(E)(8)(e), without any modification needed to comply with CMC Section 9138.15(E)(2)(a)(5).

SECTION 3. Pursuant to Section 15060(c) of the California Environmental Quality Act (CEQA) Guidelines, the proposed activity (review/approval of the existing Murals) is not subject to CEQA because the activity does not have the potential to, and will not, result in direct or reasonably foreseeable indirect physical change in the environment. As such, it does not constitute a project within the meaning of CEQA (14 CCR 15378). Alternatively, the activity is covered by the common sense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment. (14 CCR 15061(b)(3)). Here it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, as it relates only to legalization of existing Murals.

SECTION 4. The Planning Commission of the City of Carson, pursuant to the findings noted above, does hereby approve the Murals pursuant to CMC 9138.15(E)(8)(e), subject to the Conditions of Approval contained in Exhibit “B,” attached hereto.

SECTION 5. This decision of the Planning Commission shall become effective and final 15 days after the date of the action unless an appeal is filed in accordance with Section 9173.4 of the Zoning Ordinance.

SECTION 6. The Secretary of the Planning Commission shall certify to the adoption of this Resolution.

PASSED, APPROVED and ADOPTED this 9th day of August, 2022.

CHAIRPERSON

ATTEST:

SECRETARY

EXHIBIT "A"

Property Boundary Description

Real property in the City of Carson, County of Los Angeles, State of California,
described as follows:

PARCEL MAP AS PER BK 53 P 29 OF P M

LOT 1

Exhibit B to Planning Commission Resolution No. 22-___
Mural Installation
21140 S. Avalon Boulevard
Conditions of Approval

Planning Conditions

1. Applicant (“Applicant,” as used in these conditions, means and includes the applicant and the property owner, and their respective successors-in-interest to which the project entitlements or approvals that are the subject of these conditions may be assigned) shall remove the “Fab Cars” logo/insignia from Mural number 1.
2. Except as set forth in Condition No. 1, above, Applicant shall maintain the Murals in the form substantially as shown on the approved elevation renderings. Any material deviations must be approved by the Planning Commission.
3. Within (30) days of the effective date of the approval that is the subject of these conditions, Applicant shall certify acceptance of these conditions of approval by signing a notarized Affidavit of Acceptance stating that Applicant accepts and shall be bound by all of the conditions.
4. Applicant shall defend, indemnify and hold harmless the City of Carson (“City”) and its agents, officers, and employees, and each of them (“Indemnitees”) from and against any and all claims, actions, proceedings, liabilities, damages, losses, costs, fees, expenses, penalties, errors, omissions, and forfeitures (“Claims”) against Indemnitees to attack, set aside, void, or annul any of the approvals or entitlements that are the subject of these conditions, and any Claims against Indemnitees which are in any way related to Indemnitees’ review of or decision upon the project or application that is the subject of these conditions. The City shall promptly notify the applicant of any such Claim against Indemnitees, and, at the option of the City, Applicant shall either undertake the defense of the matter or pay Indemnitees’ associated legal costs or shall advance funds assessed by the City to pay for the defense of the matter by the City Attorney. In the event City opts for Applicant to undertake defense of the matter, the City will cooperate reasonably in the defense, but retains the right to settle or abandon the matter without Applicant’s consent. Applicant shall provide a deposit to City in the amount of 100% of the City’s estimate, in its sole and absolute discretion, of the cost of litigation, including the cost of any award of attorneys’ fees, and shall make additional deposits as requested by City to keep the deposit at such level. If Applicant fails to provide or maintain the deposit, Indemnitees may abandon the action and Applicant shall pay all costs resulting therefrom and Indemnitees shall have no liability to Applicant.
5. Applicant shall remove all graffiti from the Murals within 72 hours of any graffiti incident.
6. Applicant shall maintain and preserve the Murals in good condition to the satisfaction of the Director.
7. Applicant shall comply with NPDES or other requirements related to ensuring no lead-based paint or other contaminants get discharged into the stormwater system in the removal or painting over of the Fab Cars logo.