# CITY OF CARSON

# PLANNING COMMISSION STAFF REPORT

| PUBLIC HEARING:           | October 11, 2011   |
|---------------------------|--|
| SUBJECT:                  | Conditional Use Permit No. 881-11<br>Ordinance Amendment No.10-11  |
| APPLICANT:                | Ken Porter Auctions<br>C/o Mike Filonczuk<br>12580 Saticoy Street<br>North Hollywood, CA 91605   |
| REQUEST:                  | To permit an automotive and equipment auction contingent upon approval of an ordinance amendment to the Carson Municipal Code (CMC) that conditionally allows the use along Avalon Boulevard in the CA zoning district |
| PROPERTY INVOLVED:        | 21126, 21140, 21212 S. Avalon Boulevard and 640 E. 213 <sup>th</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           |     |   |          |

#### I. Introduction

Date Application Received: August 2, 2011

- Conditional Use Permit No. 881-11
- Ordinance Amendment No. 10-11

# Property Owner

Kott, Donald G. and Margret C TRS, PO Box 5306, Carson, CA 90749

#### Project Applicant

 Ken Porter Auctions, 400 E. Redondo Beach Boulevard Gardena. CA 90248

#### Project Address

 21212, 21126, 21140 S. Avalon Boulevard and 640 E. 213<sup>th</sup> Street, Carson, CA 90745

# Project Description

- Ken Porter Auctions (KPA) was established in 1962, and offers vehicle auctions every two weeks. During the two weeks prior to the auction date, vehicles are brought in by KPA's fleet of multiple car haulers, flatbeds from cities, counties, agencies and clients in southern California. The vehicles are cleaned, photographed and listed on the <a href="http://Kenporterauctions.com">http://Kenporterauctions.com</a> website. Vehicles vary from high end, low mileage, studio executive hybrids, SUV's, sedans, to agency work trucks. On auction day KPA expects 200 to 300 buyers to bid at the auction.
- The project site is 281,907 square feet or 6.5 acres and was the location of the former Don Kott automotive dealerships.
- The applicant requests the approval of a conditional use permit and an ordinance amendment to allow the use of an automotive and equipment auction on a site located in the CA (Commercial Automotive) zoning district. If approved, the ordinance amendment would allow the use to be permitted under the proposed conditional use permit until December 31, 2016, coinciding with the applicant's five year lease agreement with Sonic Automotive Group.
- The hours of operation will be from 10:00 a.m. to 2:00 p.m. every two weeks on a Saturday with preview days on the Thursday and Friday before the auction. Sold items are customarily removed the same day.
- There will be over-flow customer parking available via shuttle service at 640
   E. 213<sup>th</sup> Street behind the Arco Gas Station.



# II. Background

#### Former Use of Property

The property is developed with automotive showroom/office buildings and incidental storage areas built in 1974 consisting of approximately 10,924 square feet of showroom office space and approximately 15,688 square feet of storage space. The auto dealerships were closed in 2007 due to a consolidation of Ford Motor Co. franchises.

#### Current Use

The properties are vacant.

# Previously Approved Discretionary Permits

- There are several approved discretionary permits on the subject property including but not limited to: CUP 690-08; SUP 103-74 and DOR 315-85.
- On May 24, 2011, the Planning Commission approved DOR No. 1400-11, CUP No. 859-11 and an Ordinance Amendment to Section 9138.15 to permit a façade remodel for a auto repair collision center to be located at 21212 S. Avalon Boulevard. The auto repair collision center will be located south of the proposed automotive and equipment auction use.

# Public Safety Issues

There is no active public safety cases associated with these properties.

# III. Analysis

# Location/Site Characteristics/Existing Development

- The subject property is located at 21212, 21126 and 21149 S. Avalon Boulevard and 640 E. 213<sup>th</sup> Street.
- The properties are developed with former automotive showroom/office buildings and incidental storage areas built in 1974. Currently, the site is vacant.
- Regional and general commercial uses surround the subject property. To the south, across 213<sup>th</sup> Street is a US Post Office; to the west, across Avalon Boulevard, is Car Pro's Kia automobile dealership and the Imperial Avalon mobilehome park; to the north and east of the subject property are the 405 freeway and the Dominguez Channel.
- The city traffic engineer has reviewed the proposed site plan for parking areas, interior circulation and traffic control, and has determined that the project would not generate any significant traffic hazards. Total onsite public parking consists of 146 spaces with 202 off-site shuttle spaces located at the southwest corner of Avalon Boulevard and 213<sup>th</sup> Street behind the Arco gas station in compliance with CMC 9162.21(C)(1).



- The applicant will provide on-site security during hours of operation and will provide a 24-hour video monitoring system in coordination with the LA County Sheriff Department. The applicant will submit a security plan for Sheriff Department review and approval.
- Amplification equipment during auction operation will be directed away from residential areas to the west and southeast.
- The applicant will provide decorative trash containers within customer parking areas and next to food vending areas.
- There are no adverse impacts expected from this project that would significantly affect residential or commercial areas.

The applicant, Ken Porter Auction, seeks to obtain a sub-lease agreement from Sonic Automotive Group contingent upon approval of a discretionary permit to operate an automotive and equipment auction use on the former Don Kott Automotive Dealership property. Ken Porter Auction intends to use the former Chrysler building for a collector car display, restoration, and sales use, and the former Lincoln Mercury auto showroom and office building for the auction offices.

KPA has provided a landscape plan with setbacks along Avalon Boulevard increasing from five feet to ten, consistent with current standards. Additional landscaping conditions of approval have been included in the resolution that require landscaping to be consistent with current requirements found in CMC Section 9138.15(D)(7).

# Zoning/General Plan/Redevelopment Area Designation

- The subject property is zoned CA (Commercial Automotive) and surrounding properties share the same zoning or are zoned CR (Commercial Regional).
- The subject property has a General Plan Land Use designation of Regional Commercial.
- The project site is within the Carson Consolidated Redevelopment Project Area.

# Applicable Zoning Ordinance Regulations

The proposed CUP is subject to the approval of a development plan in accordance with the procedures as provided in Section 9172.21 of the CMC and subject to the conditions in Section 9138.21 (Vehicle Auctions).

# Required Findings: Conditional Use Permit

Pursuant to Section 9172.21(D), Conditional Use Permit, the Planning Commission may approve the proposal only if the following findings can be made in the affirmative:

- 1. The proposed use and development will be consistent with the General Plan.
- 2. The site is adequate in size, shape, topography, location, utilities and other factors to accommodate the proposed use and development.
- 3. There will be adequate street access and traffic capacity.

- 4. There will be adequate water supply for fire protection.
- 5. The proposed use and development will be compatible with the intended character of the area.

The required findings pursuant to Section 9172.21(D) can be made in the affirmative and discussed in the attached resolution.

#### Ordinance Amendment

The applicant wishes to conduct automotive and equipment auctions as a primary use within the CA zone. Pursuant to Section 9138.15 CA Development Standards (C) (2), Permitted, Conditional Uses and Accessory Uses, of the CMC, automotive and equipment auctions are not permitted, Thus, the applicant is requesting an amendment to Section 9138.15, Commercial, Automotive (CA) Development Standards to allow a CUP for automotive and equipment auctions as a primary use within the CA zone (thus the request for CUP 881-11).

Ordinance Amendment and Related Text Changes

Section 9131.1, Uses Permitted, will be amended so that the following line entry reads as follows with all other text in the section to remain unchanged (deleted text stricken; added text underlined):

ZONES

CN CR CG CA MU-CS MU-SB

L L C

Auctions for used automobiles, recreational vehicles, travel trailers, trucks or trailers, not over 2-ten capacity, motorcycles or motorscooters, and related equipment and miscellaneous goods, subject to the requirements of (See CMC 9138.21.)

Section 9133, Conditional Use Criteria, will be amended to provide a termination date of no later than December 31, 2016, per Planning Commission direction, for automotive and equipment auction uses operating as a primary use on properties fronting Avalon Boulevard and located within the CA zone.

CMC Section 9138.21, Vehicle auctions, is recommended to be amended to provide a termination date for those vehicle/automotive equipment auctions operating as a primary use on properties fronting Avalon Boulevard and located within the CA zone. The following will be added at the end of the section:

"7. In the CA zone, automotive and equipment auctions are only permitted on property fronting Avalon Boulevard with an approved conditional use permit. Lawfully established automotive and equipment auctions in the CA zone shall cease operations and discontinue business on or before December 31, 2016. After that date, no new auctions are permitted in the CA zone."

#### **Environmental Review**

Based upon staff review of the project, the proposed automotive and equipment auction will not have a significant effect on the environment since the project site was formerly used as a similarly-functioning automobile dealership. Thus, the project is found to be Categorically Exempt, pursuant to California Environmental Quality Act Guidelines, Article 19, Section 15301 – Existing Facilities.

# IV. Recommendation

That the Planning Commission:

- **APPROVE** Conditional Use Permit No. 881-11, subject to the conditions of approval attached as Exhibit "B" to the Resolution;
- RECOMMEND approval of the proposed Ordinance Amendment to the City Council to permit automotive and equipment auctions 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 recommending approval of an Ordinance Amendment to the City Council to allow automotive and equipment auctions as a primary use for those properties fronting Avalon Boulevard and within the CA (Commercial, Automotive) zoning district, and approving Conditional Use Permit No. 881-11 to operate an automotive and equipment auction in the CA (Commercial, Automotive) zoning district subject to approval of the ordinance amendment, for properties located at 21126, 21140, 21212 S. Avalon Boulevard and 640 E. 213<sup>th</sup> Street."

# V. Exhibits

- 1. Resolution
- 2. Proposed Ordinance Amendment
- 3. Development plans
- 4. Excerpts of the CMC, including Sections 9131.1, 9133, and 9138.21
- Operational statement dated 8-23-2011

Prepared by:

Zak Gonzalez II, Planner

Reviewed by:

ohn F. Sign<del>o, AICR,</del> Senior Planner

Approved by:

Sheri Repp-Loadsman, Planning Officer

Planning Commission Staff Report Ordinance Amendment No. 10-11, CUP No. 881-11 October 11, 2011 Page 6 of 6



#### CITY OF CARSON

#### PLANNING COMMISSION

#### RESOLUTION NO. 11-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RECOMMENDING APPROVAL OF AN ORDINANCE AMENDMENT TO THE CITY COUNCIL TO ALLOW AUTOMOTIVE AND EQUIPMENT **AUCTIONS** AS A PRIMARY USE FOR THOSE PROPERTIES FRONTING AVALON BOULEVARD AND WITHIN THE (COMMERCIAL, AUTOMOTIVE) ZONING DISTRICT. APPROVING CONDITIONAL USE PERMIT NO. 881-11 TO OPERATE AUTOMOTIVE AND EQUIPMENT AUCTION (COMMERCIAL, AUTOMOTIVE) ZONING DISTRICT SUBJECT TO APPROVAL OF THE ORDINANCE AMENDMENT, FOR PROPERTIES **LOCATED AT 21126, 21140, 21212 S. AVALON BOULEVARD AND 640** E. 213<sup>TH</sup> STREET

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

<u>Section 1</u>. An application was duly filed by the applicant, Ken Porter Auctions, with respect to real properties located at 21126, 21140 and 21212 S. Avalon Boulevard and 640 E. 213<sup>th</sup> Street, and described in Exhibit "A" attached hereto, requesting the approval of an Ordinance Amendment to Sections 9131.1, 9133, 9138.15 and 9138.21 of the Carson Municipal Code (CMC) to allow automotive and equipment auctions as a primary use in the CA (Commercial, Automotive) zoning district. The conditional use permit to operate an automotive and equipment auction at the properties described above is contingent upon approval of the Ordinance Amendment.

A public hearing was duly held on October 11, 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.

<u>Section 2</u>. 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 Regional Commercial, which is consistent with the zoning designation. The proposed use is currently not permitted within the zone and approval of the conditional use permit is contingent upon approval of the Ordinance Amendment. Surrounding uses include an automobile dealership to the west, a convenience store and gas station to the southwest, a mobile home park to the west, government offices to the south, and the 405 Freeway and Dominguez Channel to the north and east. Since the project site was previously used for an automobile dealership, the proposed use will not be dissimilar because it involves the sale of vehicles at an auction. Thus, the use is compatible with the General Plan and surrounding uses.
- b) The applicant intends to enhance the appearance of the buildings to be compatible with newer development in the vicinity. Landscape setbacks along Avalon Boulevard 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 near the intersection of a major and local street. Adequate ingress and egress is accommodated on the site. The city Traffic engineer evaluated the proposed parking areas and parking control plan and determined that no significant effects would result from the project. The site layout provides for safe and effective vehicular and pedestrian access.
- e) Future site and building signage will require compliance with the CMC sign requirements and will be approved by the Planning Division and Building and Safety Division. The CA zone currently does not allow automotive and equipment auctions. Recognizing that the applicant has signed a five year lease with the Sonic Automotive Group for use of said property, the Planning Commission recommends approval of an ordinance amendment which authorizes only those properties fronting Avalon Boulevard and within the CA zone district to operate such use provided that a conditional use permit is obtained. The Planning Commission establishes a maximum operating period that terminates at the end of 2016 to accommodate future development for the area consistent with the goals and policies of the General Plan.
- f) The applicant's requested short-term opportunity to operate on the site as an automotive and equipment auction will provide an appropriate use for the site, and remove the blighting effects by significantly upgrading the appearance of the property with new landscaping, façade rehabilitation, and general site improvements.

<u>Section 4</u>. The Planning Commission further finds that the proposed use will not have a significant effect on the environment since the former use of the property was an automobile dealership and the proposed use will function similarly. Thus, the project is found to be Categorically Exempt, pursuant to California Environmental Quality Act Guidelines, Article 19, Section 15301 – Existing Facilities.

<u>Section 5</u>. Based on the aforementioned findings, the Commission hereby grants Conditional Use Permit No. 881-11 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, 9138.15 and 9138.21 of the CMC to City Council as shown in Exhibit "C", and approves the categorical exemption.

<u>Section 6</u>. The Secretary shall certify the adoption of this Resolution and shall transmit copies of the same to the applicant.

<u>Section 7</u>. 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 11th DAY OF OCTOBER, 2011.

|         |           | CHAIRMAN |  |
|---------|-----------|----------|--|
| ATTEST: | SECRETARY |          |  |



# EXHIBIT A

#### PREMISES.

#### PARCEL B:

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.

21126 Avalon

\* t+ \*

## exhibit a legal description

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.

C/K/A 21126 AVALON, CARSON, CALIFORNIA



#### CITY OF CARSON

# OFFICE OF ECONOMIC DEVELOPMENT

#### PLANNING DIVISION

#### EXHIBIT "B"

#### **CONDITIONS OF APPROVAL**

#### CONDITIONAL USE PERMIT NO. 881-11

### **GENERAL CONDITIONS**

- 1. Approval of Conditional Use Permit No. 881-11 is contingent upon Ordinance No. 10-11 becoming effective. If, for any reason, an automotive and equipment auction use is not allowed as a conditionally permitted use in the CA zoning district, then Conditional Use Permit No. 881-11 shall become null and void.
- 2. If a business license permit for said use is not issued within one year of the date of approval of Conditional Use Permit No.881-11, said permit shall be declared null and void unless an extension of time is requested prior to expiration and approved by the Planning Commission.
- 3. Upon activation, the Conditional Use Permit shall become automatically null and void if said use has been suspended or has ceased to exist for a period of one year, unless an extension of time is requested prior to expiration and approved by the Planning Commission.
- 4. 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.
- 5. 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.
- 6. 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.

- 7. 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.
- 8. 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.
- 9. 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.
- 10. 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.
- 11. 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 Conditional Use Permit No. 881-11. 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

- 12. The automotive and equipment auction and all facilities associated with such use on the subject properties shall be permanently closed for business by December 31, 2016, and this Conditional Use Permit No. 881-11 contained herein shall become null and void after that date.
- 13. Any future building expansions will require a modification request to the Conditional Use Permit.
- 14. All operations such as minor repair of vehicles must be conducted within an enclosed building. No work shall be permitted within the parking lot.
- 15. Automotive and equipment auctions to be held every two weeks on a Saturday from 10:00 a.m. to 2:00 p.m. Preview of auction items shall only occur on the Thursday and Friday before the auction date.

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- 16. There will be no parking of auction items in customer parking areas. Furthermore, all driveways shall remain clear. No encroachment into parking areas and/or driveways shall be permitted.
- 17. The applicant shall provide and maintain a minimum of 146 parking spaces for public parking on site at all times. Additional over-flow parking spaces may be located off-site at 640 E. 213th Street, provided that a circulation plan is reviewed and approved by the city traffic engineer and safe and adequate means of travel is provided.
- 18. All customer parking and automotive equipment auction areas including storage areas shall be re-slurried and re-stripped in compliance with the Carson Municipal Code (CMC).
- 19. The applicant shall install decorative trash containers within customer parking and food vending areas to keep and maintain automotive and equipment auctions areas clean and litter free.
- 20. The applicant shall provide 24 hour video monitoring system in coordination with the LA County Sheriff Department.
- 21. The applicant shall submit a security plan for LA County Sheriff Department approval identifying security operations that will protect the public's health and welfare during hours of operation of the proposed automotive and equipment auction.
- 22. The applicant shall direct all amplification equipment away from residential areas during hours of operation in compliance with CMC Section 9138.21.
- 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. Compact spaces shall be properly designated pursuant to Section 9162.43 of the Zoning Ordinance.
- 26. Handicap parking shall comply with the requirements of Section 9162.42 of the Zoning Ordinance.

# LANDSCAPING/IRRIGATION

- 27. 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 a building permit.
- 28. 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 10-foot-wide landscape area in the setback along Avalon Boulevard;

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- b. All landscaping along 213<sup>th</sup> Street shall be re-planted and irrigated with a working automatic irrigation system set for early morning or late evening irrigation, including the shuttle parking area along 213<sup>th</sup> Street and Avalon Boulevard behind the Arco Service Station;
- c. Annual flowers shall be planted 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 a building permit. Prior to certificate of occupancy, all landscaping and irrigation shall be installed subject to the satisfaction of the Planning Division.

- 29. The applicant shall comply with the provisions of Section 9168 of the Zoning Ordinance, "Water Efficient Landscaping."
- 30. 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.

### UTILITIES

- 31. 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.
- 32. All roof mounted equipment shall be screened from public view or incorporated into the design of the structure or building.
- 33. 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).

#### <u>AESTHETICS</u>

- 34. The specification of all building colors and materials must be submitted and approved by the Planning Division prior to the issuance of any building permits.
- 35. 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

36. 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

sign structures to
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- be permitted) as provided in Section 9172.23. Use of the existing freeway sign located on the southeast corner of the subject property shall be prohibited, unless expressly permitted by written authorization from the Planning Officer.
- 37. All permitted business signs must be in compliance with the provisions of Section 9136.7 of the Zoning Ordinance.
- 38. At no time shall off-site signs be allowed in the right-of-way whether temporary or permanent. This includes handheld signs, A-frame or sandwich signs, flags, banners or pennants.
- 39. All onsite temporary signs or similar displays shall be reviewed and approved by the Planning Division prior to installation. If necessary, temporary signs may be approved as part of a sign program subject to the requirements found in Section 9138.15(E) of the CMC.

# FENCES/WALLS

- 40. 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.
- 41. Concertina/razor wire and barbed wire is prohibited. Shepard's crook atop the required wrought-iron 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**

- 42. All exterior lighting shall be provided in compliance with the standards as provided for in Section 9137.1 (commercial zones) of the Zoning Ordinance.
- 43. 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

- 44. 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).
- 45. 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.
- 46. Trash cans shall be provided throughout the customer areas on the day of the event and emptied appropriately the same day. All litter generated by the event and found in the parking lot or adjacent street right-of-ways shall be promptly removed and disposed.

#### FIRE DEPARTMENT - COUNTY OF LOS ANGELES

- 47. All interior driveways must be kept clear without parking of automobiles or equipment to be sold during auction.
- 48. All other requirements of the Fire Department shall be met.

## PUBLIC SAFETY - CITY OF CARSON

49. 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.

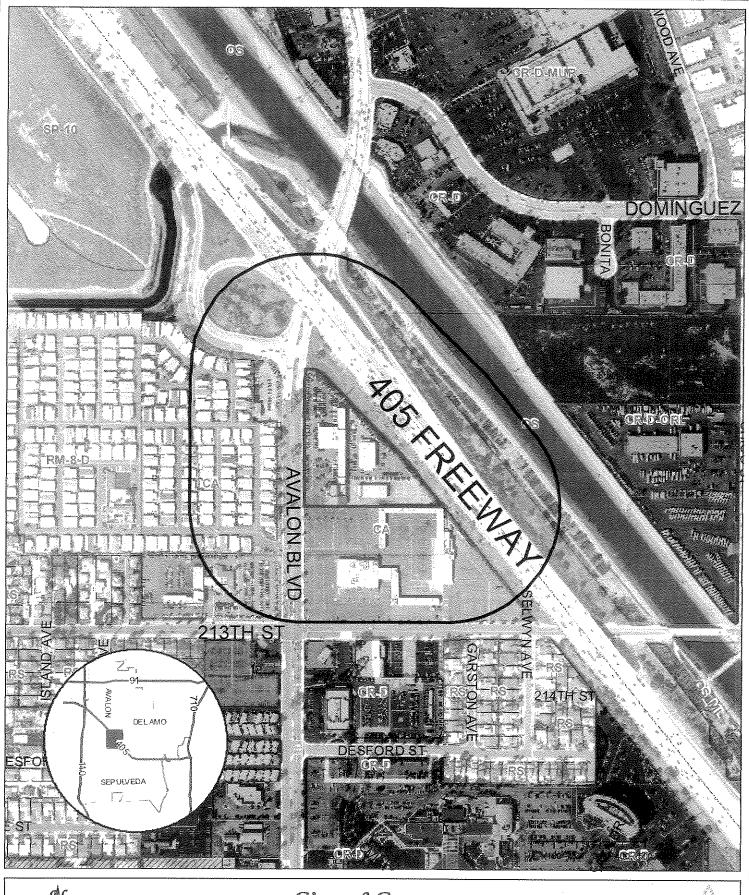
# **ENGINEERING SERVICES DEPARTMENT - CITY OF CARSON**

- 50. Repair any broken or raised sidewalk, curb and gutter along Avalon Boulevard within or abutting this proposed development per City of Carson Standard and to the satisfaction of the City Engineer.
- 51. All necessary street dedication and street improvements shall apply due to the exceptions stated on CMC 9162.2, with the exceptions to the items below
- 52. A construction permit is required for any work to be done in the public right-of-way.
- 53. 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.
- 54. 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.
- 55. 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.
  - 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.
- 56. 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.

57. The Developer shall annex the area to the L.A. County Lighting Maintenance District for the purpose of operating and maintaining the streetlights to be installed. The annexation shall be to the satisfaction of L.A. County and shall be completed prior to the issuance of Certificate of Occupancy. Additional streetlight installation or upgrade to existing streetlights may be required as part of the annexation (LA County Traffic/Lighting contact Joaquin Herrera 626-300-4770).

# **BUSINESS LICENSE DEPARTMENT - CITY OF CARSON**

58. 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.





City of Carson 500 Foot Radius Map 21126 S Avalon Blvd



Cate Printed: Tuesday, September 20, 2011

#### ORDINANCE NO. 11-

AN ORDINANCE OF THE CITY OF CARSON, CALIFORNIA, AMENDING THE CARSON MUNICIPAL CODE TO ALLOW FOR AUTOMOTIVE AND EQUIPMENT AUCTIONS AS A PRIMARY USE FOR THOSE PROPERTIES FRONTING AVALON 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 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 by modifying only the following line entry by adding the underlined text and deleting the stricken text with all other text in the line entry and the section remaining unchanged, as follows:

"ZONES

CN CR CG CA MU-CS MU-SB

L L C

Auctions for used automobiles, recreational vehicles, travel trailers, trucks or trailers, not over 2-ton capacity, motorcycles or motorscooters, and related equipment and miscellaneous goods, subject to the requirements of (See CMC 9138.21.)"

**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 entry at the end of the section to read as follows:

"Automotive and equipment auction for those properties fronting Avalon Boulevard and within the CA zone:

Ability to comply with CMC 9138.15 and 9138.2.

Lawfully established automotive and equipment auctions in the CA zone shall cease operations and discontinue business on or before December 31, 2016. After that date, no new auctions are permitted in the CA zone."

- **Section 3.** Code Amendment. Section 9138.15(C)(3) 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 the following underlined text with all other text in the section remaining unchanged as follows:
  - "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 CMC 9138.2.
- b. Restaurants, including drive-thrus, cafes, dinner houses, or establishments offering food for in-house or take-out consumption.
- c. Automobile service stations; see CMC 9138.12.
- d. Transmitters, receivers and repeater stations (cell towers/monopoles).
- e. Sales of used automobiles, recreation vehicles, and trucks not over two (2) ton capacity, as a primary use; see CMC 9133.
- f. Minor and major repair and service as a primary use located on properties fronting Avalon Boulevard and within the CA zone; see CMC 9138.2.
  - 1. Lawfully established automotive repair facilities on property fronting Avalon Boulevard shall discontinue operations on or before July 1, 2017.
- g. <u>Automotive and equipment auction as a primary use located on properties fronting Avalon Boulevard and within the CA zone; see Section 9138.21.</u>
  - 1. <u>Lawfully established automotive and equipment auctions on property fronting Avalon Boulevard shall discontinue operations on or before December 31, 2016.</u>"
- **Section 4.** Code Amendment. Section 9138.21 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 by adding the following text at the end of the section to read as follows:
  - "7. In the CA zone, automotive and equipment auctions are only permitted on property fronting Avalon Boulevard with an approved conditional use permit. Lawfully established automotive and equipment auctions in the CA zone shall cease operations and discontinue business on or before December 31, 2016. After that date, no new auctions are permitted in the CA zone."
- **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 ADOPTI | ED thisth day of, 2011. |
|-----------------------------|-------------------------|
|                             |                         |
| ATTEST:                     | Mayor Jim Dear          |
|                             | (MORE)                  |
|                             | [MOLIE]                 |



| City Clerk Helen Kawagoe |
|--------------------------|
| APPROVED AS TO FORM:     |
|                          |
|                          |
| City Attorney            |



- 15. A solid decorative masonry wall or wrought iron fencing with appropriate landscaping or other such appropriate screening material to the discretion of the Director, six (6) feet in height shall be installed and maintained along interior property lines not occupied by a building, except that any screening located within the required front setback area shall not exceed three and one-half (3-1/2) feet in height.
- 16. That the requirements and limitations contained in this Section shall be considered minimum standards; provided, however, that the Planning Commission may:
- a. Require such additional conditions as are deemed necessary within the intent of CMC 9172.21(D); or
- b. Modify such requirements or limitations contained herein which, in the opinion of the Planning Commission, are inappropriate or inapplicable either to the intended use of the property, to the property itself or to adjacent property.
- 17. Signage shall be of appropriate design as approved pursuant to the Site Plan and Design Review procedures (including number of signs and sign structures to be permitted) as provided in CMC 9172.23. (Ord. 79-479, § 7; Ord. 04-1322, § 7)

\*For servicing and repair incidental to a retail petroleum outlet, see CMC 9138.11 through 9138.14.

#### § 9138.21 Vehicle Auctions.

In connection with vehicle auctions, the following requirements shall be met:

- 1. Vehicle auctions may not be conducted on any property of less than five (5) acres.
- 2. The vehicles placed up for auction must be operable under their own power to and from the subject auction site. No dismantled or wrecked vehicles are allowed to be stored or repaired and be placed up for auction.
- 3. Vehicle auctions shall provide off-street parking based upon a place of public assembly, pursuant to CMC 9162.21(C)(l) or based upon approval of a Development Plan pursuant to CMC 9172.23.
- 4. Vehicle service and repair may be permitted as an accessory use, subject to CMC 9132.2 of this Chapter. (See CMC 9133 for CR zone, MUR Overlay District and properties in all zones within one hundred (100) feet of residential zones).

- 5. All activities not conducted within an enclosed building shall be confined to the hours between 7:00 a.m. and 9:00 p.m. daily.
- 6. No loudspeakers or sound equipment shall be used for the amplification of voices or sounds to a level exceeding allowable noise control standards pursuant to Chapter 5, Article V, entitled Noise Control Ordinance of the Carson Municipal Code. (Ord. 96-1085, § 3; Ord. 04-1322, § 6)

# § 9138.22 Church Uses within the CR (Commercial, Regional) Zone.

The establishment of churches, temples or other places of religious worship are a permitted use within the CR (Commercial, Regional) Zone, subject to the following:

- 1. The principal building shall be a free-standing structure for the exclusive use of a church, temple or other place of religious worship and permitted accessory uses.
- 2. No accessory use shall be permitted other than a school, daycare center or church-affiliated community or social center. No accessory use and/or facility shall be permitted unless it is clearly subordinate to the principal church use.
- 3. Church uses shall be subject to the requirements of CMC 9172.23 (Site Plan and Design Review) and CMC 9182.25 (Continuation of Churches, Temples or Other Places of Religious Worship Located within the CR (Commercial, Regional) Zone). (Ord. 97-1115, § 2)

#### § 9138.3 Golf Facilities.

In connection with golf facilities including golf courses, golf driving ranges, or pitch-and-putt courses, the following requirements shall be met:

Screens or nets shall be provided wherever necessary, as determined by the Director, to prevent the travel of golf balls beyond the lot lines of the site on which a golf facility is located.

Such screens or nets shall be continuously maintained so as not to fall into disrepair and shall be subject to the applicable height restrictions unless otherwise approved by the Director.

The entire site of the golf facility, or other than paved areas and land occupied by structures, shall be covered with turf or other landscaping.

# § 9138.4 Arcade Facilities.

In connection with the operation of an arcade, the following requirements shall be met:



four (4) times in any one (1) year unless approved by the Director for additional events. (Ord. 87-813, § 3; Ord. 98-1135, § 2)

# § 9132.9 Small Collection Recycling Facility.

A small collection recycling facility is permitted as a minor use within the CN, CR, and CG zones if incidental to an existing primary commercial use and if within a designated convenience district as defined in CMC 9191.508. A small collection recycling facility shall comply with the requirements of CMC 9138.6. (Ord. 87-819, § 1)

# Division 3. Conditional Use Criteria

#### § 9133 Conditional Use Criteria.

In addition to the general criteria for the approval of a conditional use permit pursuant to CMC 9172.21(D)(1), special criteria and limitations as indicated below shall be considered in acting upon a conditional use permit in a commercial zone:

Retail sale of ornamental brick, stone, tile, flagstone:

The size of the site, the amount of materials on hand, and the appearance thereof shall not create the character of an industrial or outdoor storage use.

Adult business:

The business shall satisfy the requirements of CMC 9138.9.

Massage service:

The business shall satisfy the requirements of CMC 9138.91 and 63134 et seq.

Tattoo service:

The business shall satisfy the requirements of CMC 9138.92.

Mortuary:

The use shall be compatible with surrounding uses.

Motion picture studio:

The activity shall be entirely within buildings.

The height and bulk of buildings shall not be excessive in relation to the site and surrounding development.

Restaurants, including drive-thru, cafes, dinner houses, or establishments offering food for in-house or take out consumption in the CA Zone:

Compliance with CMC 9138.15.

Automobile laundry:

Ability to comply with the provisions of CMC 9138.13.

Sale, rental or lease of trucks or trailers over two (2) ton capacity (new or used):

The number and size of vehicles on hand and the appearance thereof shall not create the character of a truck yard or industrial use.

Major repair as defined in CMC 9138.11 for CA Zone only:

Compliance with CMC 9138.15.

Automobile service stations in the CA Zone:
Compliance with CMC 9138.12 and 9138.15.

Transmitter, receiver or repeater station – radio, television, microwave;

No excessive electronic interference shall be generated.

No unusual or unnecessary hazards to aircraft shall be created.

The height and appearance of structures shall not be detrimental to the character of the surrounding area.

Electric distribution substation, gas measurement station, pumping station, water well, water reservoir:

The facility shall be necessary for the safe or efficient functioning of a public utility or pipeline system.

The location in a commercial zone shall be necessary to serve commercial or residential uses in the vicinity, or no suitable alternative location shall be available.

Driving skill course:

In addition to the provisions of CMC 9162.21(C), parking shall be provided at a ratio of fifteen (15) spaces per four hundred (400) yards of track, plus one (1) space per employee on the largest shift.

In addition to the provisions of CMC 9162.52, lawns or landscaping shall be installed on all unpaved areas of the site.

In addition to the provisions of CMC 9136.2, the track shall maintain a twenty-five (25) foot setback from any property line adjacent to another property or public street.

Adequate steps shall be taken to prevent excessive noise from emanating from the site.



Hospital, long-term health care facility, community residential care facility:

The facility shall become licensed pursuant to Division 2 of the California Health and Safety Code or, if exempt from licensure, shall meet standards equivalent to those prescribed by State law.

The surrounding area does not provide an environment detrimental to health care or residential care.

Mobile home park:

Ability to comply with the provisions of CMC 9128.2.

Alcoholic beverage sales and services:

Ability to comply with the provisions of CMC 9138.5.

Shared parking facilities:

Ability to comply with the provisions of CMC 9162.24.

Arcades:

Compliance with the provisions of CMC 9138.4.

Boarding or rooming house, residential hotel, motel with kitchens:

The surrounding area does not provide an environment detrimental to long-term residence.

Fraternity or sorority house, dormitory:

The surrounding area does not provide an environment detrimental to residence.

The location shall be conveniently accessible in relation to the college or institution attended by residents.

Multiple-family residential, residential condominiums, mixed-use developments:

Compliance with the provisions of CMC 9138.7, 9138.17 and 9138.18.

Oil well:

Ability to comply with the provisions of CMC 9138.10.

Vehicle repair and service:

Compliance with the provisions of CMC 9138.2.

Sales of used automobiles, recreation vehicles, and trucks not over two (2) ton capacity (as primary use) in the CA Zone only:

The business shall occupy property a minimum of two (2) acres in area.

Ability to comply with CMC 9138.15. (Ord. 78-431; Ord. 82-621, § 3; Ord. 83-637U, § 3; Ord. 83-654, § 1; Ord. 85-685, § 3; Ord. 93-1001, § 2; Ord. 94-1035U, § 4; Ord. 94-1037, § 5; Ord.

94-1039, § 4; Ord. 95-1079, Exh. A.; Ord. 03-1279, § 5; Ord. 04-1322, § 4; Ord. 06-1349, § 2; Ord. 06-1363, § 9; Ord. 07-1392, § 9; Ord. 08-1404, § 2)

#### Division 4. (Reserved)

# Division 5. Site Requirements

§ 9135.1 Applicability.

The provisions of this Division do not apply to the individual lots within planned developments wherein the owners or lessees of individual lots also hold an undivided interest in common areas within the same development, nor to a lease of less than four hundred (400) square feet of land.

# § 9135.2 Minimum Lot Area.\*

No lot shall be created which has a net area less than that shown in the following table:

| Zone   | Minimum Net Lot Area            |
|--------|---------------------------------|
| CN, CR | 20,000 square feet*             |
| CG     | 5,000 square feet*              |
| CA     | 43,560 square feet (one acre)** |
| MU-CS  | See CMC 9138.17                 |
| MU-SB  | See CMC 9138.18                 |

Any existing lawfully established lot (including a leased area of land during the term of the lease) is deemed to have the required lot area.

A lot may be reduced to less than the required lot area if such a reduction is the result of an acquisition for public purposes. (Ord. 94-1039, § 5; Ord. 03-1279, § 6; Ord. 06-1363, § 9; Ord. 07-1392, § 9)

- \* See special requirement for retail petroleum outlets in CMC 9138.12, 9138.13 and 9138.14, mobile home parks in CMC 9128.2, and mixed-use developments, multiple-family residential and residential condominiums in CMC 9138.7.
- \*\* Lot minimum in CA Zone applies to vehicle dealerships only, other commercial uses subject to CG standards.

§ 9135.3 Street Frontage and Access.\*

No lot shall be created unless it is capable of being provided with vehicular access directly from a public street or alley and has a street frontage of at least thirty (30) feet.\* See CMC 9138.17 and



| PART 3. COMMERCIAL ZONES                      | Other Site Developments Standards  |
|---|--|
|   | § 9136.3 Fences, Walls and Hedges.   |
| Sections:                                     | § 9136.4 Trash and Recycling Areas.  |
|   | § 9136.5 Reserved.   |
| Division 1. Uses Permitted                    | § 9136.6 Parking, Loading, Truck Maneuvering                                       |
| § 9131.1 Uses Permitted.                      | and Driveways.   |
| § 9131.12 Uses Permitted on Organic Refuse    | § 9136.7 Signs.  |
| Landfill Sites.                               | § 9136.8 Utilities.  |
| § 9131.13 Uses Permitted within a Mixed-Use   | § 9136.9 Site Planning and Design.   |
| Residential (MUR) Overlay District.           |  |
| § 9131.2 Interpretation of Uses Permitted.    | Division 7. Environmental Effects  |
| § 9131.3 Prohibited Uses.                     | § 9137.1 Exterior Lighting.  |
| Division 2. Accessory Uses                    | Division 8. Special Requirements for Certain Uses                                  |
|   | § 9138.10 Oil Wells.   |
|   | § 9138.11 General Provisions.  |
| § 9132.2 Vehicle Sales and Service.           |  |
| § 9132.3 Laboratories.                        | § 9138.12 Automobile Service Stations.   |
| § 9132.4 Storage.                             | § 9138.13 Automobile Laundries.  |
| § 9132.5 Outdoor Display.                     | § 9138.14 Miscellaneous Retail Petroleum   |
| § 9132.6 Service and Repair.                  | Outlets.   |
| § 9132.7 Amusement Machines.                  | § 9138.15 Commercial, Automotive (CA)  |
| § 9132.8 Fairs and Bazaars.                   | Development Standards.   |
| § 9132.9 Small Collection Recycling Facility. | § 9138.16 Communications Facilities.   |
|   | § 9138.17 Mixed-Use – Carson Street (MU-CS).                                       |
| Division 3. Conditional Use Criteria          | § 9138.18 Mixed-Use – Sepulveda Boulevard  |
| § 9133 Conditional Use Criteria.              | (MU-SB).   |
|   | § 9138.2 Vehicle Service and Repair.   |
| Division 4. (Reserved)                        | § 9138.21 Vehicle Auctions.  |
|   | § 9138.22 Church Uses Within the CR  |
| Division 5. Site Requirements                 | (Commercial, Regional) Zone.   |
| § 9135.1 Applicability.                       | § 9138.3 Golf Facilities.  |
| § 9135.2 Minimum Lot Area.                    | § 9138.4 Arcade Facilities.  |
| § 9135.3 Street Frontage and Access.          | § 9138.5 Alcoholic Beverage Sales and  |
| § 9135.4 Minimum Lot Width.                   | Services.  |
|   | § 9138.6 Small Collection Recycling Facility.<br>§ 9138.7 Mixed-Use or Residential |
| Division 6. Site Development Standards        |  |
| •   | Development in a Mixed-Use   |
| Buildings and Structures                      | Residential (MUR) Overlay District. § 9138.71 Outdoor Advertising Signs in an      |
| § 9136.11 Buildings Required.                 | Electronic Marquee Signage (EMS)   |
| § 9136.12 Height of Buildings and Structures. | Overlay District.  |
| § 9136.13 Uses Permitted in Residential       | § 9138.72 Sex Offender Residency Restrictions.                                     |
| Structures.                                   | § 9138.8 Sidewalk, Parking Lot and Tent Sales.                                     |
|   | § 9138.9 Adult Business.   |
| Yards and Open Spaces                         | § 9138.91 Massage Service.   |
| § 9136.21 Reserved.                           | § 9138.92 Tattoo Service.  |
| § 9136.22 Future Rights-of-Way.               | g 2130.72 Tanoo Scivice.   |
| § 9136.23 Front Yard.                         |  |
| § 9136.24 Side Yards.                         |  |
| § 9136.25 Rear Yard.                          |  |
| § 9136.26 Reserved.                           |  |
| § 9136.27 Space Between Buildings.            |  |
| § 9136.28 Reserved.                           |  |
| § 9136.29 Encroachments.                      |  |
|   |  |

#### Division 1. Uses Permitted

#### § 9131.1 Uses Permitted.

Uses are permitted in the commercial zones as indicated in the following table:

#### USES PERMITTED IN COMMERCIAL ZONES

#### Legend

- X. Automatically permitted use.
- L. Automatically permitted use provided special limitations and requirements are satisfied as noted herein or in Division 8 of this Part.
- D. Use permitted subject to the approval of the Director.

# USES PERMITTED IN COMMERCIAL ZONES

- LD. Use permitted provided special limitations and requirements are satisfied as noted herein, in Division 8 of this Part and in Division 8 of Part 2, and subject to the approval of the Director.
- C. Use permitted upon approval of a conditional use permit.
- CC. Use permitted upon approval of the City Council as prescribed, under other provisions of the Carson Municipal Code.

All commercial uses permitted by this Part shall be subject to the requirements contained in CMC 9172.23, Site Plan and Design Review, except temporary uses (See CMC 9131.1). (Ord. 84-704)

#### ZONES

CN CR CG CA MU-CS MU-SB

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X

#### Retail Sales:\*

\* Alcoholic beverage sales, food services, and vehicle services are listed under separate headings.

Department stores, variety stores, and specialized stores for apparel, items for personal use, household items, plants and flowers, and supplies and small equipment for businesses, including antiques\*\* but no other secondhand items. Swap meets and flea markets, as defined in CMC 9191.670, are prohibited.

\*\* Incidental restoration permitted.

Indoor mini-mart, auction house. (Ord. 86-763U, § 1; Ord. 87-813, § 1) C C

Building materials other than ornamental brick, stone, tile, or flagstone. (Incidental storage of sand, gravel, or rock limited to 2,000 tons total.)

Ornamental brick, stone, tile or flagstone. (See CMC 9133.)

C Monuments, tombstones, statuary.

Y Secondhand store, pawn shop.

#### Retail Services:\*

\* Alcoholic beverage services, food services, and vehicle services are listed under separate headings.

#### Personal Services:

Barber shop, beauty shop, reducing salon, manicure parlor.

X - X - X

X

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X

 $\mathbf{X}$ 

X



|  | ZONES |    |    |    |       |       |  |  |
|--|-------|----|----|----|-------|-------|--|--|
|  | CN    | CR | CG | CA | MU-CS | MU-SB |  |  |
| Clothing services – laundry or dry cleaning agency, self-service laundry or dry cleaning, hand laundry, sponging and pressing, tailor, dressmaker, seamstress, shoe repair.  | X     | X  | X  |    | X     | X     |  |  |
| Animal services – dog clip and wash, veterinary office or clinic (no animal hospital or kennel).   | X     | X  | Х  |    | С     | C     |  |  |
| Animal hospital or clinic  | X     | X  | X  |    |       |       |  |  |
| Mortuary. (See CMC 9133.)  |       |    | С  |    |       |       |  |  |
| Adult business. (See CMC 9133 and 9138.9.)   |       | С  | С  |    |       |       |  |  |
| Massage service. (See CMC 63134, 63135, 9133 and 9138.91.)   | С     | С  | С  |    |       |       |  |  |
| Tattoo service. (See CMC 9133 and 9138.92.)  |       | С  | С  |    |       |       |  |  |
| Mechanical and repair services:  |       |    |    |    |       |       |  |  |
| Locksmith,* watch repair, small appliance repair, radio and television repair, computer repair, bicycle repair.  | X     | X  | X  |    | X     | X     |  |  |
| Fix-it shop.*  | X     |    | X  |    |       | X     |  |  |
| Furniture redecorating, restoration and upholstering; glass repair, installation or glazing; screen repair; plumbing shop; lawnmower sharpening.   |       |    | X  |    |       | X     |  |  |
| *Incidental lawnmower sharpening permitted.  |       |    |    |    |       |       |  |  |
| Parcel delivery service.   |       | X  | X  |    |       | X     |  |  |
| Graphic arts services:   |       |    |    |    |       |       |  |  |
| Copying, addressographing, mimeographing, photostating, instant printing, blueprinting, silk screening, photography,** picture framing.***   | X     | X  | X  |    | X     | X     |  |  |
| Photo-finishing, film developing.  |       |    | X  |    |       |       |  |  |
| **Incidental photo-finishing and film developing permitted. ***Incidental frame construction permitted.  |       |    |    |    |       |       |  |  |
| Studios:   |       |    |    |    |       |       |  |  |
| Costume design, interior decoration, photography, writing, drama, dance, music, arts and crafts (including stained glass).   | X     | X  | X  |    | X     | X     |  |  |
| Stained glass assembly.  |       |    | X  |    |       |       |  |  |
| Radio, television, recording.  |       | X  | X  |    |       |       |  |  |
| Motion pictures - indoor. (See CMC 9133.)  |       |    | С  |    |       |       |  |  |
| Offices:   |       |    |    |    |       |       |  |  |
| Business, professional, financial, insurance, real estate, utility payments, telegraph, telephone answering service, messenger service, advertising, newspaper or publishing (no printing), ticket agency, travel agency, employment agency, collection agency, detective agency, security service, bail bondsman, check cashing. (See CMC 9138.17 and 9138.18.) | X     | X  | X  |    | L     | L     |  |  |
| Payday loans. (See CMC 9182.28.)   | C     | С  | С  |    |       |       |  |  |
| Drive-through banks.   | X     | X  | X  |    |       | Í     |  |  |

ZONES CA MU-CS MU-SB  $\mathsf{C}\mathsf{G}$ Wholesale business, manufacturer's agent, broker (no storage or deliveries L L X other than samples). Food Sales and Service:\* \*Alcoholic beverage sales and services are listed under separate headings. Restaurant\* (including refreshment stands, soda fountain). (See CMC 9133, X X X X 9138.17 and 9138.18.) Drive-in or drive-through restaurants. (See CMC 9133, 9138.17 and X X X C 9138.18.) Restaurant with outdoor dining space within the limits of the restaurant X frontage, provided there is a 7-foot minimum clear path of travel on the sidewalk without obstruction. Food store - grocery, fish, meat, fruits and vegetables, retail bakery, pastry, X X X X X candy, health food, take-out food, tobacco shop. Poultry shop (no live poultry or slaughtering). L Ł L Food catering (only direct retail sales or retail distribution). X X X X Dog or cat food catering (retail only). X X X Alcoholic Beverage Sales and Services: Alcoholic beverage sales in conjunction with a department store or Х X X X X supermarket. Alcoholic beverage sales in conjunction with variety store, drug store, mini-C C  $\mathbf{C}$ C  $\mathbf{C}$  $\mathbf{C}$ market, drive-through market, food store or grocery store excluding a supermarket, take-out food, liquor store (subject to the requirements of CMC 9138.5). Alcoholic beverage sales and service in conjunction with cocktail lounge,  $\mathbf{C}$ C C L L bar, arcade, pool hall, billiards, card room, bowling alley, indoor theater, and an eating establishment other than a bona fide restaurant (subject to the requirements of CMC 9138.5, 9138.17 and 9138.18). Night club (subject to the requirements of CMC 9138.5 and 9138.17).  $\mathbf{C}$ CC Alcoholic beverage sales and service in conjunction with a bona fide Х X X X X X restaurant (see CMC 9138.18). Vehicle Sales and Service: Sales: Automobile service station, subject to the requirements of CMC 9138.12. L C (See CMC 9133.) Automobile laundry, subject to the requirements of CMC 9138.13. Ċ C C Automobile parts (new).\* X X X X Motorcycles or motorscooters (new).\* (See CMC 9138.15.) X X L Automobiles, recreation vehicles, and trucks not over 2-ton capacity L L (new).\* (See CMC 9138.15.)



|   |       |        |     | ZON | ES    |        |
|---|-------|--------|-----|-----|-------|--------|
|   | CN    | CR     | CG  | CA  | MU-CS | MU-SB  |
| Automobiles, recreation vehicles, and trucks not over 2-ton capacity (used – as accessory use).* (See CMC 9138.15.)   |       |        | L   | L   |       |        |
| Automobiles, recreation vehicles, and trucks not over 2-ton capacity (used – as primary use).* (See CMC 9138.15.)   |       |        |     | С   |       |        |
| Recreation vehicles, over 2-ton capacity (new)*. (See CMC 9133 and 9138.15.)  |       | X      | С   | L   |       |        |
| Recreation vehicles, over 2-ton capacity (used – as accessory use).* (See CMC 9133 and 9138.15.)  |       |        | С   | 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 CMC 9133.)   |       | X      | С   |     |       |        |
| Trucks, trailers, over 2-ton capacity (used).* (See CMC 9133.)  |       |        | С   |     |       |        |
| Recreation vehicles, rental and leasing. (See CMC 9138.15(C).)  |       |        |     | L   |       |        |
| Boats and accessory equipment.  |       | С      | 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 CMC 9138.21. |       | L      | L   |     |       | ·      |
| *See CMC 9132.2 for incidental uses permitted. Also subject to the provisions of  | of CM | C 9138 | .2. |     |       |        |
| Rental and Leasing:   |       |        |     |     |       |        |
| All vehicles up to 2-ton capacity.  |       |        | L   |     |       |        |
| All vehicles over 2-ton capacity. (See CMC 9133.)   |       |        | C   |     |       |        |
| Repair of all vehicles up to 2-ton capacity (no boats):   |       |        |     |     |       |        |
| Minor repair as defined in CMC 9138.11 and subject to the provisions of CMC 9138.2.   |       | L      | L   |     |       | С      |
| Major repair as defined in CMC 9138.11 and subject to the provisions of CMC 9138.15 (for CA Zone only).* (See CMC 9133.)  |       |        | L   | С   | ·     | C      |
| Transportation-Related Uses:  |       |        |     |     |       |        |
| Automobile parking lot or parking building (no long-term vehicle storage, no storage of inoperable vehicles).   | X     | X      | X   |     | X     | X      |
| Shared parking facilities. (See CMC 9133.)  | С     | С      | С   | С   | C     | С      |
| Passenger station – bus or rail; taxi stand.  | X     | X      | X   | X   |       | -      |
| Heliports, helistops.   |       | С      | С   |     |       |        |
| Access to other property lawfully used for purposes not permitted on subject property:  |       |        |     |     |       |        |
| Access to residential use.  | X     | X      | X   | D   | X     | X      |
| Access to nonresidential use, provided the Director finds no available alternative access is preferable and the character of the area will not be adversely affected.                         |       |        | D   | D   |       | -<br>3 |

ZONES CR CG CA MU-CS MU-SB Communications and Utilities: Post office. X X X Oil wells. (See CMC 9128.6.) C Telephone exchange. X Amateur radio station. X X X Gas distribution meter or control station (landscaping or screening required L L L L to the satisfaction of the Director). Gas measurement station (not less than 300 feet from any residential zone, C L public school, public park, hospital or long-term health care facility). (See CMC 9133.) Electric distribution substation. (In the CG Zone, landscaped yard areas to C L the satisfaction of the Director to be provided adjacent to street rights-ofway. Facilities to be enclosed by solid fence or wall in accordance with applicable regulations of the State of California and other local regulations.) (See CMC 9133.) Pumping station, water well. (In the CG Zone, landscaping of site and  $\mathbf{C}$ C L C screening of facilities required to the satisfaction of the Director.) (See CMC 9133.) Water reservoir. (See CMC 9133.) C C C Education: Elementary or secondary school – public or private; professional school; Χ X X X X business school; barber or beauty school; school of arts, crafts, dance, photography, writing, drama or music. Physical training school – gymnastics, martial arts. X Х Х X X Swimming school – indoor or outdoor. X X Recreation:\* \*Alcoholic beverage sales and services are listed under separate headings. Pool hall, billiards, card room, bowling alley, gymnasium. (See CMC X X X  $\mathbf{C}$ 9138.17 and 9138.18.) Pool hall, billiards, card room, gymnasium, health club. X X X C Bowling alley as an accessory use. X X X C C Arcade (subject to the requirements of CMC 9138.4). C C C Public park or playground. X X X Driving skill course. C C Indoor rink - roller skating, skateboards, ice skating. X X X Outdoor rink - roller skating, skateboarding, ice skating. Х Lawn bowling, croquet courts. X X Small private recreational facilities. (Site limited to one acre or less in the L X CR Zone.) May include buildings, park, playground and picnic area.



|   | ZONES |    |    |    |       |       |  |  |  |
|---|-------|----|----|----|-------|-------|--|--|--|
|   | CN    | CR | CG | CA | MU-CS | MU-SB |  |  |  |
| Large private recreational facilities – indoor or outdoor facilities (but not more than 1,000 spectator seats total):   |       |    |    |    |       |       |  |  |  |
| Badminton, handball, racquetball, squash courts.  | X     |    | X  |    |       |       |  |  |  |
| Swimming pool.  |       | X  | X  |    |       |       |  |  |  |
| Tennis court, volleyball court, polo field, athletic field, miniature golf.   |       |    | X  |    |       |       |  |  |  |
| Golf driving range, pitch-and-putt course, golf course, subject to the limitations of CMC 9138.3.   |       |    | L  |    |       |       |  |  |  |
| Public Assembly:*   |       |    |    |    |       |       |  |  |  |
| *Alcoholic beverage sales and services are listed under separate headings.  |       |    |    |    |       |       |  |  |  |
| Church, temple, or other place of religious worship. (In the CR Zone, see CMC 9138.22 and 9182.25; in the MU-CS Zone, see CMC 9138.17(C)(1).)   | X     | L  | X  |    | L     |       |  |  |  |
| Auditorium, meeting hall, wedding chapel.   |       | X  | X  |    |       | -     |  |  |  |
| Community center, lodge hall, private club.   | X     | X  | X  |    |       |       |  |  |  |
| Indoor theater (motion picture or live stage), night club.  | X     | X  | ·X |    |       |       |  |  |  |
| Outdoor theater (live stage, not a drive-in).   |       | X  |    |    |       |       |  |  |  |
| Public and Quasi-Public Uses:   |       |    |    |    |       |       |  |  |  |
| Fire station, police station, library, museum.  | X     | X  | X  | X  |       |       |  |  |  |
| Archaeological dig, provided the Director determines there is a reasonable prospect that significant scientific, cultural or historical information will be obtained from the site.   | D     | D  | D  |    |       |       |  |  |  |
| Health Services:  |       |    |    |    | •     |       |  |  |  |
| Hospital – general acute care, acute psychiatric; long-term health care facility. (See CMC 9133.)   |       |    | С  |    |       |       |  |  |  |
| Medical or dental laboratory. (In the CN or CR Zones only permitted as an incidental use in a medical/dental office building or clinic.)  | L     | L  | X  |    |       |       |  |  |  |
| Medical or dental office or clinic, public health center.   | X     | X  | X  |    | X     | X     |  |  |  |
| Optical services (for the fitting, grinding or mounting of eyeglasses).   | X     | X  | X  |    | X     | X     |  |  |  |
| Pharmacy. (See CMC 9138.17 and 9138.18.)  | X     | X  | X  |    | X     | X     |  |  |  |
| Drive-through pharmacy. (See CMC 9138.17 and 9138.18.)  | X     | X  | X  |    |       |       |  |  |  |
| Health club.  |       |    |    |    | C     |       |  |  |  |
| Ambulance service.  |       |    | С  |    | -     |       |  |  |  |
| Day Care:   |       |    |    |    |       |       |  |  |  |
| Community day care facility.  | X     | X  | X  |    | С     | С     |  |  |  |
| Residential Uses:   |       |    |    |    | ~     |       |  |  |  |
| Multiple-family residential and residential condominiums within the Mixed-Use Residential (MUR) Overlay District, the Mixed-Use Carson Street District, and the Mixed-Use Sepulveda Boulevard District on lots with a minimum 100-foot street frontage. | С     | С  | С  |    | С.    | C     |  |  |  |
| · · · · · · · · · · · · · · · · · · ·   |       | ÷  |    |    |       | J.L   |  |  |  |

|   |        |      |      | ZON | IES   |       |
|---|--------|------|------|-----|-------|-------|
|   | CN     | I CE | t CG | CA  | MU-CS | MU-SB |
| Mixed-use (commercial/residential) development within the Mixed-Use Residential (MUR) Overlay District, the Mixed-Use Carson Street District, and the Mixed-Use Sepulveda Boulevard District on lots with a minimum 100-foot street frontage.   | C      | С    | С    | ,   | С     | С     |
| Live/work residential units. (See CMC 9138.17 and 9138.18.)   |        |      |      |     | С     | С     |
| Mobile home park. (See CMC 9128.2.)   | С      | С    | С    |     | С     |       |
| Group quarters for members of a religious order (convent, rectory, monastery, etc.).  |        |      | X    |     |       |       |
| Boarding or rooming houses, fraternity or sorority house, dormitory, residential hotel or similar group quarters, motel units with kitchens. (See CMC 9133 and 9138.17.)  |        |      | С    |     |       |       |
| Community care residential facility.  |        |      | С    |     | С     | С     |
| Residential community care facility, boarding or rooming house, fraternity or sorority house, dormitory, residential hotel or similar group quarters, motel units with kitchens. (See CMC 9133.)  |        |      | C    |     |       |       |
| Transient Hotel:  |        |      |      |     |       |       |
| Transient hotel, motel.   | С      | С    | С    |     |       |       |
| Agricultural Uses:  |        |      |      |     |       |       |
| Cultivation and/or sale of plants including nursery,* orchard, vineyard, field crops, flowers, greenhouses, lathhouses and similar activities (no mushroom farm).   |        |      | X    |     |       |       |
| * Incidental lawnmower sharpening permitted. Also repair and rental of garden   | tools. |      |      |     |       |       |
| Boats and accessory equipment.  |        | C    | L    |     |       |       |
| Electronic message center signs. (See CMC 9136.7, also CMC 9138.15(E)(3)(c) for CA only.)   | С      | С    | C    | С   |       |       |
| Temporary Uses:   |        |      |      |     |       |       |
| Election campaign office in a trailer. (Not permitted earlier than 90 days before the election. To be removed within 14 days after the election.)   |        |      | L    |     |       | ·     |
| Office or other permitted commercial use in a trailer or other mobile unit. (Permitted for a period not exceeding 6 months during construction of a building on the same lot while a building permit is in effect. The Director may approve reasonable time extensions if he finds construction is proceeding in good faith.) | L      | L    | L    | L   | L     | L     |
| Storage of construction materials and equipment at a construction site without the screening which would be required for permanent outdoor storage (only during the period a building permit is in effect).   | L      | L    | L    |     | L     | L     |
| Subdivision directional sign. (See CMC 9128.31 - 9128.35.)  | LD     | LD   | LD   |     | LD    | LD    |
| Sidewalk, parking lot, and tent sales. (See CMC 9138.8.)  | D      | D    | D    |     | D     | D     |
| Fireworks stand. (See CMC 3101.0 - 3101.10.)  | CC     | CC   | CC   |     | CC    | D     |
| Carnival, mechanical rides, pony rides, outdoor festival and similar uses. (See CMC 63119 and 63119.1.)   | CC     | CC   | CC   |     |       | ,     |



THE WATER CY

|   | ZONES |     |    |    |       |       |
|---|-------|-----|----|----|-------|-------|
|   | CN    | CR  | CG | CA | MU-CS | MU-SB |
| Circus, rodeo. (See CMC 63120; and Animal Control Ordinance, CMC 3300 $-3301.)$   |       | CC  |    |    |       |       |
| Christmas tree sales, pumpkin sales.  | X     | X   | X  |    | D     | D     |
| Yard sales. (See CMC 4600 – 4606.)  | L     | L   | L  |    | L     | L     |
| Tent revival.   | CC    | CC- | CC |    |       |       |
| Sales:  |       |     |    |    |       |       |
| Auctions for used automobiles, recreational vehicles, travel-trailers, trucks or trailers, not over 2-ton capacity, motorcycles or motorscooters, subject to the requirements of CMC 9138.21. |       | L   | L  |    |       |       |
| Outdoor Advertising:  |       |     |    |    |       |       |
| Outdoor advertising sign in the electronic marquee signage (EMS) overlay district, subject to the requirements of CMC 9138.71.  |       |     | L  |    |       |       |
| Wireless Telecommunications Facilities:   |       |     |    |    |       |       |
| Minor wireless telecommunications facilities, subject to the requirement of CMC 9138.16.  | L     | L   | L  | L  | L     | L     |
| Major wireless telecommunications facilities, subject to the requirement of CMC 9138.16.  | С     | С   | С  | С  | C     | С     |

Any person, firm or corporation violating any provision of this Section shall be guilty of an infraction and shall be punishable as provided in Chapter 2 of Article I of this Code. (Ord. 79-479, § 7; Ord. 78-438; Ord. 78-431; Ord. 78-446; Ord. 80-517, § 1; Ord. 80-532, § 4; Ord. 81-585, § 2; Ord. 82-602, § 2; Ord. 82-621, § 1; Ord. 83-637U, § 1; Ord. 83-643, § 1; Ord. 84-685, § 1; Ord. 88-857, § 1; Ord. 90-915, § 1; Ord. 92-985, § 1; Ord. 93-1001, § 1; Ord. 94-1035U, §§ 2, 3; Ord. 94-1037, §§ 2 – 4; Ord. 94-1039, § 2; Ord. 96-1085, § 1; Ord. 97-1115, § 1; Ord. 02-1245, § 2; Ord. 02-1251, § 1; Ord. 03-1279, § 2; Ord. 03-1284, § 2; Ord. 04-1322, § 1; Ord. 06-1349, § 1; Ord. 06-1363, § 9; Ord. 07-1392, § 9; Ord. 08-1404, § 1; Ord. 09-1419, § 3; Ord. 09-1420, § 1)

# § 9131.12 Uses Permitted on Organic Refuse Landfill Sites.

A. No use except as hereinafter provided, shall be permitted on property designated as ORL (Organic Refuse Landfill) without the approval of a conditional use permit by both the Commission and the Council. Such conditional use permit shall require, as a condition precedent to use of the property under the conditional use permit, approval by

the Building and Safety Division and the Council of a report submitted by the applicant pursuant to the applicable provisions of the Building Code, prepared by a licensed civil engineer designated by the applicant and approved by the City, which shall provide and include plans for a protective system or systems designated to eliminate or mitigate the potential hazards and environmental risks associated with the proposed use. Approval of such report by the Building and Safety Division shall be in the discretion of the Building Official, who shall evaluate any risks and hazards associated with the site and proposed use and who may grant approval only if he finds that the report and plans adequately provide for protection against such associated risks and hazards. The Building Official's approval shall be submitted to the Council for final approval which will be in the discretion of the Council.

The following uses are exempt from the provisions of this Section:

- 1. Uses which do not involve buildings or structures, including but not limited to outdoor storage, display and outdoor recreational facilities.
- 2. Construction of structures which are unoccupiable, such as signs, flagpoles, walls,

fences and towers, but not including oil wells and storage tanks.

- 3. Paving of no more than twenty (20) percent of the site.
- 4. Repair or minor alteration to existing structures which do not increase floor area. (Ord. 78-449; Ord. 81-560, § 1; Ord. 82-586, § 1)
- B. An application for a conditional use permit required by subsection A shall be considered in accordance with CMC 9172.21, except that the Commission's decision shall be referred to the Council for review as if an appeal had been filed pursuant to CMC 9173.4.
- C. Every conditional use permit for a use located on property designated as ORL (Organic Refuse Landfill) shall be subject to the following conditions in addition to any other conditions that the Commission or the Council may impose:
- 1. Approval by the Building Official of the report provided for in subsection A of this Section.
- 2. The applicant shall comply with a development schedule approved by the Community Development Director.
- 3. All measures to eliminate or mitigate the hazards and environmental risks associated with the site proposed in the report approved by the Building Official provided for in subsection A of this Section shall be subject to approval by the Council and shall be incorporated into the project. Such measures shall include monitoring, evaluation and control of methane gas produced by the site as the City shall determine to be necessary to protect the public health, safety or welfare with respect to the production or migration of methane gas.
- 4. Monitoring and regular inspections and reports by a licensed civil engineer designated by the applicant and monitored, evaluated and approved by the Building Official shall be done and filed with the City from time to time as directed by the Building Official at the applicant's cost.
- 5. The mitigation measures required by subsection (C)(3) of this Section shall be implemented to the satisfaction of the Building Official and City Council. In the event that the Building Official or Council finds that such measures when implemented are inadequate to protect the public health, safety, or welfare, the Building Official or Council may (1) require additional mitigation measures to be incorporated into the project, or (2) after notice to the applicant and an opportunity to be heard,

- declare the conditional use permit null and void if the Council finds that the public health, safety or welfare cannot be adequately protected to the satisfaction of the Council.
- 6. Adequate measures shall be taken to eliminate odors from the site to the satisfaction of the Building Official.
- 7. The applicant shall, at the applicant's own expense, carry public liability insurance during the existence of the conditional use permit, with a company and policy to be approved by the City Attorney, covering liability for injuries or death arising out of or in connection with the use of the site pursuant to said permit in an amount not less than \$5,000,000. The City shall be named as an additional assured under such insurance policy.
- D. Whenever both subsection A and any other section of this Chapter require a conditional use permit for a particular property, only one (1) conditional use permit shall be required, which shall be applied for, processed and considered pursuant to the provisions of subsection B. The application and conditional use permit, if approved, shall refer to both sections which are applicable.
- E. Subsection A of this Section shall not apply to the following:
  - 1. Any lawfully established existing use.
- 2. An expansion of an existing, lawfully established use on a lot on which such existing use was approved provided that the existence of an organic refuse landfill in such lot is shown by the record to have been considered by the granting body in connection with the approval of such existing use.
- 3. Any proposed use for which a conditional use permit requiring approval of methane gas control measures by the Council either (1) has been granted, or (2) has been applied for and is being processed on the effective date of this Section; provided, that subsection A shall apply if such conditional use permit which has been granted expires, is declared to be null and void or is otherwise terminated or if such conditional use permit for which an application is being processed is thereafter denied. (Ord. 78-449; Ord. 79-471; Ord. 81-560, § 1)





August 23, 2011

# Background

Established in 1962, Ken Porter Auctions (KPA) is one of the oldest vehicle auction companies in California. Ken Porter pioneered public agency disposal sales with the first ever exclusive auction of vehicles for the County of Ventura in March of 1963. The County of Ventura continues to be a customer of KPA to this day as well as dozens of other public and private agencies.

Over the years KPA has strived to provide the very best services to all of its customers. At Ken Porter we specialize in creating and providing efficient solutions for even the most demanding service requirements of our sellers while at the same time offering our buyers honest values. Our industry leading website and improved auction system sets new standards for public auctions.

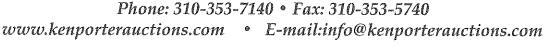
KPA was the first to create their own online bidding software adding value for the clients and opening up sales worldwide. KPA takes pride in providing excellent customer service with the personal touch only a private, locally owned company can provide. First time visitors are made to feel welcome as well as "veteran" auction users. Families are encouraged to attend and enjoy the excitement of an auction. There are bargains available for all.

# Operation of Auto Auction

Ken Porter Auctions typically runs a vehicle auction every 2 weeks. During the two weeks prior to the auction date, vehicles are brought in by KPA's fleet of state of the art multiple car haulers, flatbeds and landolls from cities, counties, agencies and clients all over southern California. The vehicles are cleaned, photographed and listed on the http://Kenporterauctions.com website. Vehicles vary from high end, low mileage, studio executive hybrids, SUVs, sedans and convertibles to agency work trucks of all types. The vehicles are available for viewing on the Thursday and Friday before each Saturday auction. On the day of the auction, the crowd of 200 to 300 buyers and families gather to mark their catalog and bid on their favorites. Parking will be available off the street in front of KPA (146 spaces), but also a secondary lot on the southwest corner of Avalon and 213<sup>th</sup> street will provide another 202 spaces and KPA will operate a shuttle on auction day.

> 400 East Redondo Beach Blvd. Gardena, CA 90248

EXHIBIT NO. 5 -







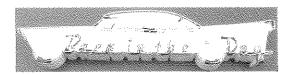
Bidders are public as well as car dealers and government agency buyers. Ken Porter Auctions is a family friendly atmosphere with a play area for the kids and a VIP lounge for the major buyers. The auctioneer gives a demonstration on how an auction works and how to bid for any unfamiliar with the excitement of the auction process. The cars then roll by the auction block and are sold at a rapid pace.

After the auto, small trucks and SUVs are sold, any larger equipment pieces that are not easily driven past the auction block are sold. The auctioneer will instruct bidders to the site where the items will be auctioned off in place.

KPA is a car dealership and collects all sales taxes and DMV fees. Most cars are driven off that Saturday, but some stay until the new owner can arrange transport. All must be out by the following Tuesday.

#### Miscellaneous Auction Sale

After the auto auction is completed, the miscellaneous sale begins normally around 12:00PM. Theft recovery sale of laptop computers, jewelry and bicycles as well as surplus office and rescue equipment are auctioned off inside our warehouse by the lot. All loading and unloading is done in the rear of the building. On occasion, movie props, set dressing and wardrobe are auctioned off to the highest bidder. Incredible bargains from huge Hollywood films can be had at pennies on the dollar. The miscellaneous sale makes up only 5% of KPA total sales.



"Back in the Day" Collector Car Sales

The North Showroom that was the Jeep dealership will house the "Back in the Day" (BID) high end collector car showroom and sales. Operating as a conventional auto dealership, the sales floor will display some of the greatest collectible cars of the past, for sale. Walk in sales as well as internet and high end auction sales will operate from this attractive full glass display showroom. BID will ramp up concurrently with KPA operation with cars placed on display within 2 weeks of the KPA move in. BID will



employ 3 new full time employees. Employee parking will be adjacent to the building and restrooms will be in the office. Vehicle restoration will occur in the 4 bays directly behind the BID office.

# Beautification Upgrades to the Property

KPA has been coordinating with Carson planning to complete the following upgrades to insure a top notch and attractive facility and operation. The following upgrades have been identified:

- 1. Repaint of the former Jeep showroom facades to match the former Don Kott Lincoln Mercury two story office which will become the main operating headquarters for Ken Porter auctions.
- 2. Slurry and restripe of the front parking lots.
- 3. Widening, cleaning and replant of the planters along Avalon Blvd with irrigation upgrade.
- 4. Painted signage on the two main buildings that were the Jeep dealer and the Don Kott Lincoln Mercury.
- 5. Cleaning of the planter area on E. 213<sup>th</sup> Street, straightening of the fence and an additional planting of vines to cover the existing fence supported with a drip irrigation system.
- 6. Installation of Trash Receptacles at multiple locations in the public parking area to mitigate litter.
- 7. Update sign on the northwest corner of the property adjacent to the new onramp.
- 8. New 24" potted plants to act as an inventory control barrier along the common drive just south of the Auction Vehicle Display lot supported by a drip irrigation system.

# Company Facts

KPA has 23 fulltime employees.

KPA has 4 security on auction days, 2 Security on Preview Days, 1 Security on pickup Days

KPA Will not employ 24/7 security – buildings will be alarmed and CCD cameras installed

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# Clients

|                                   |                                  | <u></u>                         |
|-----------------------------------|----------------------------------|---------------------------------|
| The Walt Disney Company           | The City of Carson               | City of Montclair               |
| Sony Studios                      | The City of Redondo Beach        | City of Montebello              |
| Warner Brothers Studios           | City of Commerce                 | City of Moorpark                |
| Universal Studios                 | City of El Monte                 | City of Moreno Valley           |
| Paramount Studios                 | City of El Segundo               | City of National City           |
| Anschutz Film Group               | City of Escondido                | City of Orange                  |
| Anschutz Entertainment Group      | City of Fountain Valley          | City of Oxnard                  |
| DreamWorks Studios                | City of Gardena                  | City of Pasadena                |
| Antelope Valley Transit Authority | CITY OF GARDENA                  | CITY OF POMONA                  |
| Cal State University Long Beach   | City of Glendale                 | City of Poway                   |
| CITY OF ARCADIA                   | City of Guadalupe-Police Dept    | CITY OF RANCHO CUCAMONGA        |
| City of Atascadero                | CITY OF HAWTHORNE                | City of Redondo Beach           |
| City of Banning                   | City of Hermosa Beach            | City of Redondo Beach Fire Dept |
| City of Bellflower                | City of Imperial Beach           | City of Rialto                  |
| City of Buena Park                | City of Inglewood                | City of San Clemente            |
| City of Burbank                   | City of La Palma - PD            | City of San Diego.              |
| City of Camarillo                 | City of Lawndale                 | CITY OF SAN GABRIEL             |
| CITY OF CARLSBAD                  | City of Long Beach               | CITY OF SAN LUIS OBISPO         |
| City of Carpinteria               | City of Long Beach - Harbor Dept | City of San Marcos              |
| City of Carson                    | City Of Los Angeles              | City of Santa Barbara           |
| City of Chino                     | City of Monrovia                 | City of Santa Barbara           |
| CITY OF CHULA VISTA               | City of Commerce                 | City of Santa Barbara - PD      |
| Antelope Valley Transit Authority | City of El Monte                 | City of Santa Maria             |
| Cal State University Long Beach   | City of El Segundo               | City of Santa Monica            |
| County of Inyo                    | City of Escondido                | CITY OF SANTA MONICA            |
| County of San Diego               | City of Fountain Valley          | City of Santa Monica-Big Blue   |
| County of San Luis Obispo         | Foothill Transit                 | County of Los Angeles           |
| Walnut Valley Water Dist          | GOLD COAST TRANSIT               | City of Santa Paula             |
| County of Santa Barbara           | Golden State Water Company       | CITY OF TORRANCE                |
| County of Santa Barbara-PW        | Goleta Sanitary District         | City of Torrance                |
| County of Ventura                 | GOLETA WATER DISTRICT            | City of Ventura                 |
| CREATIVE BUS SALES, INC.          | Goleta West Sanitary District    | CITY OF VERNON                  |
| CUCAMONGA VALLEY WATER            | Grossmont Union High School      | City of West Hollywood          |
| Farmers & Merchants Trust C U     | Kern County Water Agency         | Columbia Pictures               |
| County of Inyo                    | L A Co. Metropolitan Trans Auth  | COUNTY OF FRESNO                |
| County of San Diego               | Lakeside Fire Department         | Montecito Water District        |
| Walt Disney Imagineering          | Paramount Unified School Dist    | Orange County Water District    |

400 East Redondo Beach Blvd. Gardena, CA 90248

Phone: 310-353-7140 • Fax: 310-353-5740





| Los Angeles Unified School Dist | SAN DIEGO CO OFFICE OF ED      | PALOS VERDES PENINSULA T A   |
|---------------------------------|--------------------------------|------------------------------|
| Metropolitan Transit System     | San Diego CO Regional Air Auth | Orange County Fire Authority |
| Montecito Water District        | San Diego County Water Auth    | VISTA IRRIGATION DISTRICT    |
| MOUNTAIN VIEW SCHOOL DIST       | San Marcos Unified School Dist | UCSD                         |
| MT San Jacinto Comm College     | Santa Maria Bonita School Dist | UCLA                         |
|                                 | So Cal Regional Occup Center   | UCSB                         |

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