



CITY OF CARSON

PLANNING COMMISSION STAFF REPORT

PUBLIC HEARING: December 13, 2016

SUBJECT: Conditional Use Permit No. 1016-16

APPLICANT: Ken Porter Auctions
21140 Avalon Blvd.
Carson, CA 90745

PROPERTY OWNER: Kott Family Trust
21140 S. Avalon Blvd.
Carson, CA 90745

REQUEST: To continue existing auction operations and other related uses on approximately 14.1 acres on a site zoned CA (Commercial, Automotive)

PROPERTIES INVOLVED: 21126, 21140, 21212 S. Avalon Blvd and 640 E. 213th Street

<u>AYE</u>	<u>NO</u>		<u>AYE</u>	<u>NO</u>	
		Chairman Diaz			Mitoma
		Vice-Chair Madrigal			Pimentel
		Andrews			Post
		Fe'esago, Jr.			Thomas
		Guidry			Palmer/Cinco

I. Introduction

Property Owner:

Kott Family Trust, 21140 Avalon Boulevard, Carson, CA 90745

Applicant:

Ken Porter Auctions, 21140 Avalon Boulevard, CA 90745

Project Addresses:

21126, 21140, 21240 S. Avalon Boulevard and 640 E. 213th Street.

Project Description:

The applicant is requesting approval of Conditional Use Permit No. 1016-16 to continue its current operations and expand the area to include portions of the current AW Collision Center site until December 13, 2019. The applicant is specifically requesting approval of the following uses:

- Auction of used cars, trucks and equipment, recreation equipment
- Display of vehicles and equipment for auction
- Prepping of vehicles and equipment for auction
- Display of Collector Vehicles
- Retail Sales of Collector Vehicles
- Display of Collectibles
- Retail Sales of Collectibles
- Storage of Auction vehicles and surplus

Exhibit No. 4, identifies the location of these uses.

Auction Operations:

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 <http://Kenporterauctions.com> 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.

Current Improvements:

The site is currently developed with commercial buildings and expansive parking areas. The site currently includes two businesses, Ken Porter Auctions and AW Collision Center. Ken Porter Auctions includes offices, vintage automobiles sales, vehicles and equipment auction which will continue with the approval of this CUP. AW Collision Center includes automotive collision repair facilities. The CUP for the collision center expires In July 2017. The applicant has stated the Collision Center will be moving out of the facility prior to February 1, 2017, refer to Condition of Approval No. 26.

II. Project Site and Surrounding Land Uses

The project site is located at the intersection of S. Avalon Blvd and 213th Street.

Site Information	
Existing Land Use	Vacant land
Land Use Designation	Regional Commercial
Existing Zoning District	CA
Site Size	14.1 acres
Surrounding Uses/Zoning	North: Freeway 405 South: 213 th . Street East: Freeway 405 West: Avalon Boulevard
Access	Ingress/Egress: Avalon Boulevard and 213 th Street

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 an auto repair collision center at 21212 S. Avalon Boulevard. The auto repair collision center is located south of the Ken Porter Actions.
- On October 11, 2011, the Planning Commission approved Conditional Use Permit No. 881-11 to operate Ken Porter Auctions (for automotive and equipment) at 21126, 21140, 21212 S. Avalon Boulevard and 640 E. 213th Street.

Public Safety Issues

None

III. Analysis

Continued Use of the Site

On October 18, 2016, the Carson City Council approved Resolution No. 16-139 providing an exception to the application of Interim Urgency Ordinance No. 16-1578U. This exception allowed processing of plans and all related permits for continuation of the current temporary uses related to the Ken Porter Auctions. Conditional Use Permit No. 881-11 stated that the auction and all associated operations shall be permanently closed for business by December 31, 2016.

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 <http://Kenporterauctions.com> 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.

Therefore, the applicant has filed this CUP application to request extension of the previously approved use. Approval of Conditional Use Permit No. 1016-16, would extend this approval to December 13, 2019. The expiration of this CUP is consistent with the expiration of the applicant's lease for the property.

Future Use of the Site

The proposed CUP is only for three years and provides adequate time for the property owner to design and obtain approvals for the ultimate development of the site. The property owner is planning on submitting a "Master Development Plan" in 2017 for a dense mixed use development. Approval of these uses will require approval of General Plan Amendment and most likely a Specific Plan and EIR. *The project has been conditioned to remove* all site improvements including the buildings, signs, parking lot. The perimeter landscaping is required to be kept in place and maintained, Condition of Approval No. 16.

Landscaping

The site has significant frontage along Avalon Boulevard and enjoys a high visibility from the street. The City has been concerned with the condition of the landscaping and the lack of maintenance of this landscaping. As a result, a new landscape/irrigation plan has been submitted to enhance the visual appeal of the site from both Avalon Boulevard and 213th Street, refer to Exhibit No. 9. The City's Public Works street tree planting and maintenance staff along with City's landscape consultant have reviewed and approved the conceptual landscape plans.

Outside Storage

A portion of the site visible from 213th Street has been used for outside storage of chairs, desks, and other small objects, refer to Exhibit No. 4, Area B. This unsightly outside storage is required to be removed as part of the approval of the CUP and used as an overflow parking lot for the auction. The applicant will not be permitted to store these types of small objects outside of the buildings visible from the public streets, including the freeway, and surrounding properties.

Access and Parking

The previous approval was reviewed by the City Traffic Engineer and the Los Angeles County Fire Department and was determined to have acceptable circulation for public safety concerns and safe vehicular ingress/egress. In addition, the previous approval required 146 public parking spaces for the site and 202 excess overflow parking for the auction on the parking lot behind AM/PM, which is not part of the

proposed project, for a total of 348 parking spaces. The applicant is proposing 66 parking spaces in Area A and 250 parking spaces in Area O for a total of 316. Therefore, there is a shortage of 32 spaces which is required to be provided in Area O. The 348 parking spaces cannot be used to store vehicles or equipment and are required to be kept clear refer to Condition of Approval No. 17.

Signage

Staff has concerns regarding the continued use of the electronic message board. This sign looks very dated and does not present a good image for Carson from the Freeway. Staff has conditioned the project to remove this sign.

Inventory of Potential Uses

Staff is concerned about the applicant's "Inventory of Potential Uses" for Area O that includes:

- Used Vehicle Retail and Wholesale: Including sales, service, parts, body collision repair, detailing, prep, storage, and customization accessories; audio and tint service for cars, trucks, motor homes, boats, trailers; motorcycles, watersports and motorsports;
- Food service uses: manufacturing, distribution, sales, service, restaurant, coffee shop, doughnut, sandwich etc.;
- Medical: exam office, clinic, hospital outpatient, Medicare service; acupuncture, pharmacy.

The proposed uses were part of the exception approved by City Council. The project has been conditioned to obtain separate approvals for use of Area O, refer to Condition of Approval No. 24.

Other sites Owned by the Kott Family

The Kott family owns three other parcels in the immediate vicinity. The following provides a status of each one:

21101 Avalon Boulevard. This site has been most recently used to store Honda vehicles which all cars have been removed. Staff has conditioned the project to remove the building and the freestanding pole structure. The property owner does not have a specific proposal for this site.

21243 Avalon Boulevard. The Car Pros Kia dealership has been in this location for several years. Car Pros has built a new dealership on Recreation Road and is expected to vacate this facility by the time the lease expires on February 24, 2017. Once Car Pros move out, the property owner will either find a temporary tenant for approximately 3 years or demolish the buildings if a developer is interested in developing the property.

640 and 644 E 213th street and APN# 7337008026. This property is located behind the AM/PM service station. It has been used to store cars and as a parking lot. The property owner does not have a specific proposal for this site.

Special Conditions of Approval:

In addition to the majority of the previous conditions of approval, the following special Conditions of Approval have been added to the project:

12. All uses approved by this CUP shall be permanently closed for business by December 13, 2019, and this Conditional Use Permit No. 1016-16 contained herein shall become null and void after December 13, 2019.
13. Uses permitted by this conditional permit shall be only be limited to the following:
 - Auction of used cars, trucks and equipment, recreation equipment;
 - Display of vehicles and equipment for auction;
 - Prepping of vehicles and equipment for auction;
 - Display of Collector Vehicles;
 - Retail Sales of Collector Vehicles;
 - Display of Collectibles;
 - Retail Sales of Collectibles;
 - Storage of Auction vehicles and surplus.
14. Prior to January 16, 2017, the applicant shall submit construction level landscape and irrigation plans to the Planning Division for review and approval by the Planning Manager.
15. Prior to February 20, 2017, the landscaping on the approved landscape plans shall be installed.
16. Prior to December 20, 2016, 5:00 P.M., the applicant shall post a performance bond in the amount of \$100,000.00 to ensure compliance with the conditions of approval and specifically for the following:
 - Installation of the landscaping in accordance with the approved plans;
 - Removal of the unpermitted outside storage (storage of vehicles is permitted);
 - Removal of the electronic sign;
 - Removal of the building, the freestanding pole structure, and all related improvements located at 21101 Avalon Boulevard.
 - Proper maintenance and upkeep of the site in accordance with the Conditions of Approval;
 - Removal of all improvements on the site in accordance with all the Conditions of Approval;

- One-half of the bond (\$50,000.00) shall be released after installation of the landscaping, removal of the outside storage, removal of the electronic sign, removal of the building, the free-standing pole structure and all improvements located at 21101 Avalon Boulevard.
 - The remaining \$50,000 shall be kept on file to ensure removal of all buildings, parking lot and other related improvements and continued maintenance of the remaining perimeter landscaping.
17. The applicant shall provide a total of 348 parking spaces for the project. The applicant has proposed 332 parking spaces in Areas A and B. The applicant shall provide 32 parking spaces in Area O or any other area on the site as approved by the Planning Manager. All required parking spaces shall not be used to store vehicles or any other equipment and shall be available to the public at all times.
 18. Only the storage of cars, trucks, equipment, and recreation equipment is permitted on the site. All other equipment shall be removed from the site within 48 hours of the Planning Commission Approval.
 19. A demolition plan shall be submitted to the Planning Division for review and approval by September 13, 2019. This demolition plan shall show removal of all site improvements including the buildings, signs, parking lot. The perimeter landscaping shall be kept in place and maintained.
 20. Within 30 days of the approval of the demolition plan, the applicant shall remove all site improvements including the buildings, signs, parking lot. The perimeter landscaping shall be kept in place and maintained.
 21. A demolition plan shall be submitted to the Planning Division for review and approval by January 16, 2017. This demolition plan shall show removal of the electronic sign message sign, removal of the building, the free-standing pole structure and all related improvements located at 21101 Avalon Boulevard.
 22. The site shall be maintained in an acceptable condition to the City at all times including but not limited to the buildings, grounds, signage, and landscaping.
 23. Within 30 days of the approval of the demo plan, the applicant shall remove the electronic sign and the building, the freestanding pole structure, and all related improvements located at 21101 Avalon Boulevard.
 24. The site is within a moratorium area. The proposed "Inventory of Potential Uses" for Area O was not approved as part of the exception of the moratorium. The only authorized use for Area O is to provide parking spaces for the uses proposed by the CUP. If the applicant wishes propose other uses for Area O, a separate exception to the moratorium shall be made.

25. The applicant's failure to comply with any of the deadlines identified in the Conditions of Approval shall deem CUP 1016-16 null and void unless the applicant obtains an extension from the Planning Manager prior to the deadlines identifies in the Conditions of Approval.
26. The AW Collision Center shall vacate the facilities by February 1, 2017.

IV. Environmental Review

Based upon staff review of the project, the proposed conditional use permit to continue automotive/equipment auction for three years 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.

V. Recommendation

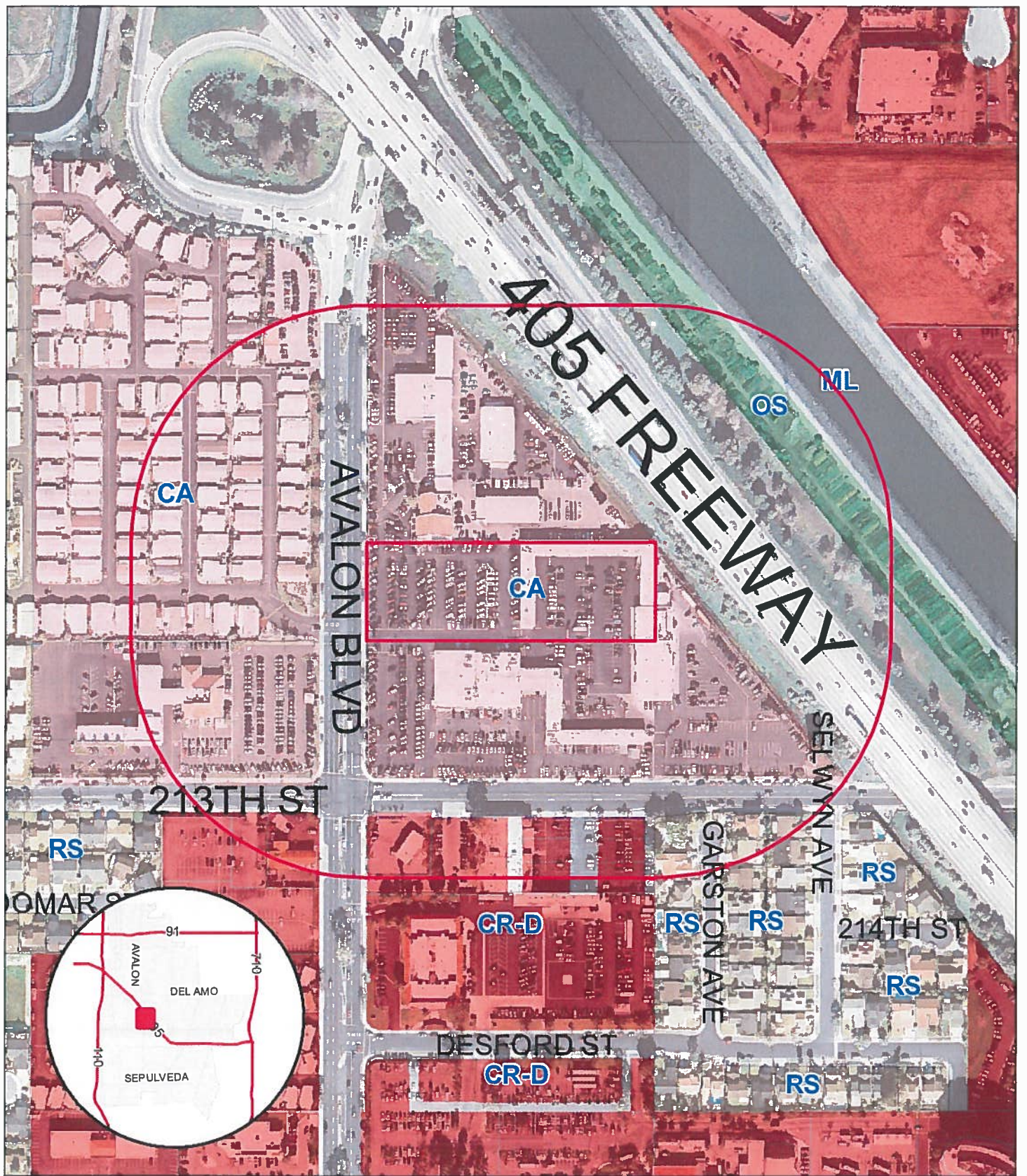
That the Planning Commission:

- Adopt Resolution No. 16-, approving Conditional Use Permit No. 1016-16 for the continued operation of the Ken Porter Auctions until December 31, 2019 located at 21126, 21140, 21212 S. Avalon Boulevard and 640 E. 213th Street.

VI. Exhibits

1. Zoning Map
2. Proposed Resolution
3. Previous staff report
4. Simple Use Matrix and Map of Current and Proposed Uses
5. Current and Inventory of Potential Uses
6. Previous Resolutions of Approval
7. Ordinance No. 16-1578U
8. Resolution No. 16-139
9. Landscape plans for Avalon Boulevard/213th. Street

Prepared by: Zak Gonzalez II, Associate Planner



City of Carson
21212 Avalon Blvd

EXHIBIT NO. 1 -

CITY OF CARSON
PLANNING COMMISSION
RESOLUTION NO. 16-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON APPROVING CONDITIONAL USE PERMIT NO. 1016-16 TO ALLOW THE CONTINUATION OF THE CURRENT AND TEMPORARY USES RELATED TO KEN PORTER AUTOMOTIVE AND EQUIPMENT AUCTION IN THE CA (COMMERCIAL, AUTOMOTIVE) ZONING DISTRICT FOR PROPERTIES LOCATED AT 21126, 21140, 21212 S. AVALON BOULEVARD AND 640 E. 213TH STREET UNTIL DECEMBER 13, 2019

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

Section 1. An application was duly filed by the applicant, Ken Porter Auctions, with respect to real properties located at 21126, 21140 and 21212 S. Avalon Boulevard and 640 E. 213th Street, and described in Exhibit "A" attached hereto, requesting the approval of Conditional Use Permit No. 1016-16 to allow the continuation of the Ken Porter automotive and equipment auctions in the CA (Commercial, Automotive) zoning district for properties located at 21126, 21140 and 21212 S. Avalon Boulevard and 640 E. 213th Street until December 13, 2019.

A public hearing was duly held on December 13, 2016, at 6:30 P.M. at City Hall, Council Chambers, 701 East Carson Street, Carson, California. A notice of time, place and purpose of the aforesaid meeting was duly given.

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

Section 3. The Planning Commission finds that:

- a) The subject property is zoned CA (Commercial, Automotive) and has a General Plan Land Use designation of Regional Commercial, which is consistent with the zoning designation. The continued use is of the Ken Porter automobile and equipment auctions will be for only three (3) years ending December 13, 2019. The applicant's future planned development for residential mixed-use will require a zone change from Commercial Automotive (CA) to Specific Plan (SP) and a General Plan Amendment from Regional Commercial to Urban Residential land use designation.
- b) The applicant will plant new landscape and irrigation systems along Avalon Boulevard and 213th Street to be approved by the Planning Manager. Staff has required a maintenance bond for the conditional use permit extension timeline to ensure that 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 and the Los Angeles County Fire Department previously evaluated the auctions 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.
- f) The applicant's requested three (3) year conditional use permit timeline extension period will allow sufficient time to assemble a quality development team for a future residential mixed-use project .
- g) On October 18, 2016, the Carson City Council approved Resolution No. 16-139 allowing an exception to the application of Interim Urgency Ordinance No. 16-1578U to allow processing of plans and all related permits for continuation of the current temporary uses related to the Ken Porter Auctions until February 1, 2020. The proposed approval of Conditional Use Permit No. 1016-16 would reduce the auction use timeline until December 13, 2019 upon Planning Commission approval.

Section 4. 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.

Section 5. Based on the aforementioned findings, the Commission hereby grants Conditional Use Permit No. 1016-16 with respect to the property described in Section 1 hereof, subject to the conditions set forth in Exhibit "B" attached hereto, and approves the categorical exemption.

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

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

PASSED, APPROVED AND ADOPTED THIS 13th DAY OF DECEMBER, 2016.

CHAIRMAN

ATTEST:

SECRETARY



21212 Avalon

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

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

EXHIBIT "A"

LEGAL DESCRIPTION

Property Address: 21212 S. Avalon Boulevard

Parcel Identification Number: 7337-003-014

Those parts of Lot Number 2 in Tract Number 1089, as per Page 29 of Book 53 recorded in Maps, in the Office of the County Recorder of said County.



CITY OF CARSON
OFFICE OF ECONOMIC DEVELOPMENT
PLANNING DIVISION
EXHIBIT "B"
CONDITIONS OF APPROVAL
CONDITIONAL USE PERMIT NO. 1016-16

GENERAL CONDITIONS

1. Approval of Conditional Use Permit No. 1016-16 shall be for three (3) years from approval date.
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.1016-16, 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.

Indemnity

11. Applicant agrees to 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, or in any way related to any damage or harm to people or property, real and personal, that may result from Applicant's operations or any claims against the City for or as a result of the granting of the continuance. The City will promptly notify Applicant of any such claim, action, or proceeding against the City and Applicant will pay the City's associated legal costs and will advance funds assessed by the City 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. Applicant shall provide a deposit in the amount of 100% of the City's estimate, in its sole and absolute discretion, of the cost of litigation, including the cost of any award of attorney's fees, and shall make additional deposits as requested by the City to keep the deposit at such level. The City may ask for further security in the form of a deed of trust to land of equivalent value. If Applicant fails to provide or maintain the deposit, the City may abandon the action and Applicant shall pay all costs resulting therefrom and the City shall have no liability to Applicant.

PLANNING DIVISION

12. **All uses approved by this CUP shall be permanently closed for business by December 13, 2019, and this Conditional Use Permit No. 1016-16 contained herein shall become null and void after December 13, 2019.**



13. Uses permitted by this conditional permit shall be only be limited to the following:
- Auction of used cars, trucks and equipment, recreation equipment;
 - Display of vehicles and equipment for auction;
 - Prepping of vehicles and equipment for auction;
 - Display of Collector Vehicles;
 - Retail Sales of Collector Vehicles;
 - Display of Collectibles;
 - Retail Sales of Collectibles;
 - Storage of Auction vehicles and surplus.
14. Prior to January 16, 2017, the applicant shall submit construction level landscape and irrigation plans to the Planning Division for review and approval by the Planning Manager.
15. Prior to February 20, 2017, the landscaping on the approved landscape plans shall be installed.
16. Prior to December 20, 2016, 5:00 PM, the applicant shall post a performance bond in the amount of \$100,000.00 to ensure compliance with the conditions of approval and specifically for the following:
- Installation of the landscaping in accordance with the approved plans;
 - Removal of the unpermitted outside storage (storage of vehicles is permitted);
 - Removal of the electronic sign;
 - Removal of the building, the freestanding pole structure, and all related improvements located at 21101 Avalon Boulevard.
 - Proper maintenance and upkeep of the site in accordance with the Conditions of Approval;
 - Removal of all improvements on the site in accordance with all the Conditions of Approval;
 - One-half of the bond (\$50,000.00) shall be released after installation of the landscaping, removal of the outside storage, removal of the electronic sign, removal of the building, the freestanding pole structure, and all related improvements located at 21101 Avalon Boulevard.
 - The remaining \$50,000 shall be kept on file to ensure removal of all buildings, parking lot, and other related improvements and continued maintenance of the remaining perimeter landscaping.



17. The applicant shall provide a total of 348 parking spaces for the project. The applicant has proposed 332 parking spaces in Areas A and B. The applicant shall provide 32 parking spaces in Area O or any other area on the site as approved by the Planning Manager. All required parking spaces shall not be used to store vehicles or any other equipment and shall be available to the public at all times.
18. Only the storage of cars, trucks, equipment, and recreation equipment is permitted on the site. All other equipment shall be removed from the site within 48 hours of the Planning Commission Approval.
19. A demolition plan shall be submitted to the Planning Division for review and approval by September 13, 2019. This demolition plan shall show removal of all site improvements including the buildings, signs, parking lot. The perimeter landscaping shall be kept in place and maintained.
20. Within 30 days of the approval of the demolition plan, the applicant shall remove all site improvements including the buildings, signs, parking lot. The perimeter landscaping shall be kept in place and maintained.
21. A demolition plan shall be submitted to the Planning Division for review and approval by January 16, 2017. This demolition plan shall show removal of the electronic sign, removal of the building, the freestanding pole structure, and all related improvements located at 21101 Avalon Boulevard.
22. The site shall be maintained in an acceptable condition to the City at all times including but not limited to the buildings, grounds, signage, and landscaping.
23. Within 30 day of the approval of the demo plan, the applicant shall remove the electronic sign and the building, the freestanding pole structure, and all related improvements located at 21101 Avalon Boulevard.
24. The site is within a moratorium area. The proposed "Inventory of Potential Uses" for Area O was not approved as part of the exception of the moratorium. The only authorized use for Area O is to provide parking spaces for the uses proposed by the CUP. If the applicant wishes propose other uses for Area O, a separate exception to the moratorium shall be made.
25. The applicant's failure to comply with any of the deadlines identified in the Conditions of Approval shall deem CUP 1016-16 null and void unless the applicant obtains an extension from the Planning Manager prior to the deadlines identifies in the Conditions of Approval.
26. The AW Collision Center shall vacate the facilities by February 1, 2017.
27. No future building expansions will be approved.



28. Minor repairs associated with preparing the vehicles for auction shall be conducted entirely within an enclosed building.
29. 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.
30. There will be no parking and storage of auction items in customer parking areas. Furthermore, all driveways shall remain clear. No encroachment into parking areas and/or driveways shall be permitted.
31. All customer parking and automotive equipment auction areas including storage areas shall be maintained in good condition in compliance with the Carson Municipal Code (CMC).
32. The applicant shall direct all amplification equipment away from residential areas during hours of operation in compliance with CMC Section 9138.21.
33. Parking spaces shall be identified (marked) as provided in Section 9162.56 of the Zoning Ordinance.
34. Parking spaces shall be provided with perimeter guards as provided in Section 9162.55 of the Zoning Ordinance.
35. Compact spaces shall be properly designated pursuant to Section 9162.43 of the Zoning Ordinance.
36. Handicap parking shall comply with the requirements of Section 9162.42 of the Zoning Ordinance.

LANDSCAPING/IRRIGATION

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

AESTHETICS

38. 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

39. Business signs and sign structures shall be permitted in conformance with development plans which have been approved pursuant to the Site Plan and Design Review procedures (including the number of signs and sign structures to be permitted) as provided in Section 9172.23.



40. All permitted business signs must be in compliance with the provisions of Section 9136.7 of the Zoning Ordinance.
41. 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.
42. 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

43. 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

44. All exterior lighting shall be provided in compliance with the standards as provided for in Section 9137.1 (commercial zones) of the Zoning Ordinance.
45. 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

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.

BUSINESS LICENSE DEPARTMENT - CITY OF CARSON

49. 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

PLANNING COMMISSION STAFF REPORT

PUBLIC HEARING: October 11, 2011

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

APPLICANT: Ken Porter Auctions
C/o Mike Filonczuk
12580 Saticoy Street
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. 213th 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. 213th 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 <http://Kenporterauctions.com> 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. 213th 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. 213th 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 213th 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 213th 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-ton 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. 213th 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
5. Operational statement dated 8-23-2011

Prepared by: _____
Zak Gonzalez II, Planner

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

Approved by: _____
Sheri Repp-Loadsman, Planning Officer

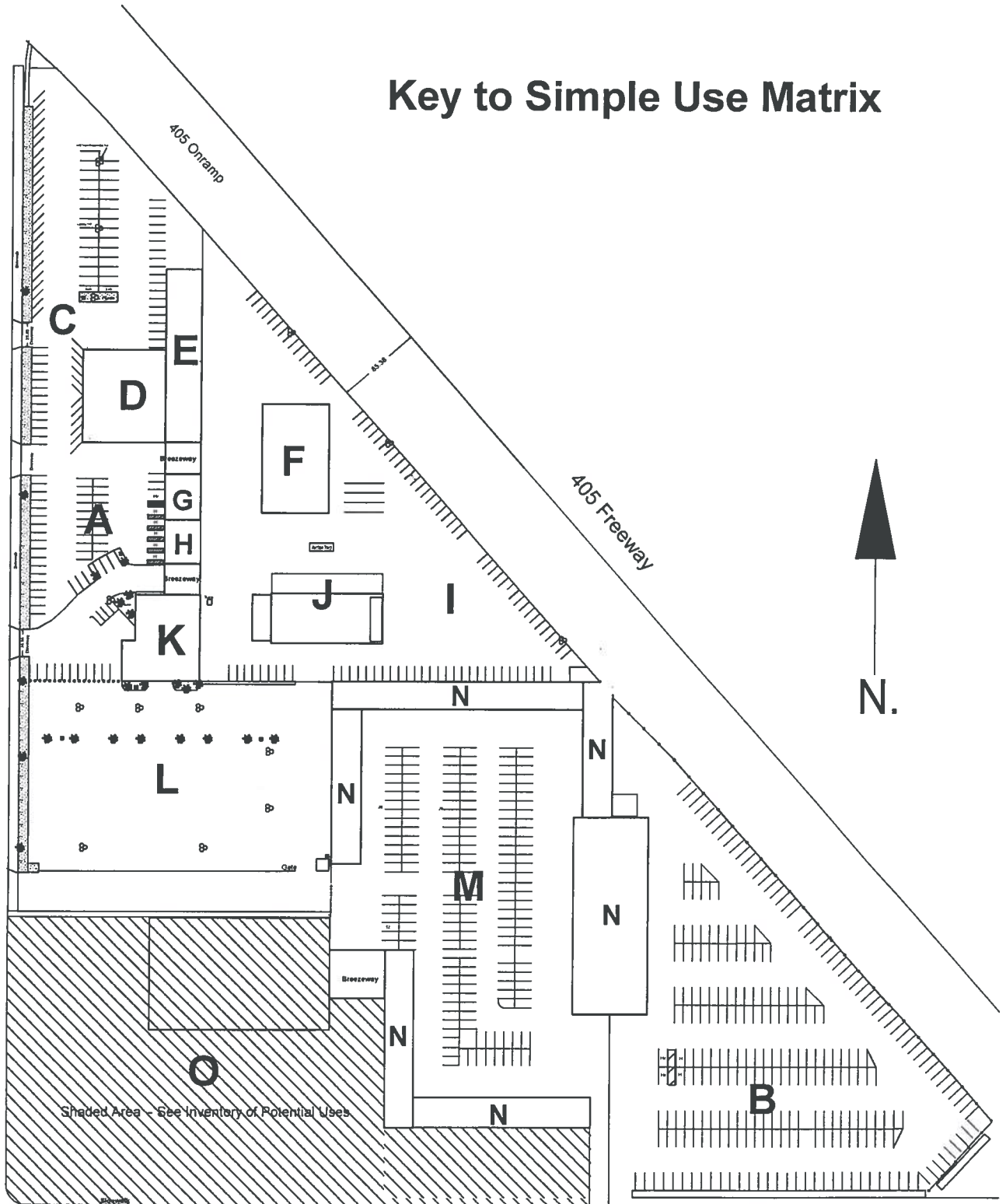


Key to Simple Use Matrix

Avalon Blvd.

405 Onramp

405 Freeway



Shaded Area - See Inventory of Potential Uses

East 213th Street

EXHIBIT NO. 4 -

Simple Use Matrix of |Current and Proposed Uses For:
Porter Auctions / Back in the Day / Don Kott Trust

Map Letter	Current Use	Proposed Use
A	Bidder Parking Main	Bidder Parking Main
B	Large Equipment Storage	Bidder Parking B
C	Back in the Day Collector Car Display Lot	Back in the Day Collector Car Display Lot
D	Back in the Day Vehicle Showroom	Back in the Day Vehicle Showroom
E	Back in the Day Collectibles Retail Display	Back in the Day Collectibles Retail Display
F	Surplus Auction Warehouse	Surplus Auction Warehouse
G	Storage	Storage
H	Auction Vehicle Prep	Auction Vehicle Prep
I	Oversize Auction Equipment	Oversize Auction Equipment
J	Ken Porter Auction Block and Assembly	Ken Porter Auction Block and Assembly
K	Ken Porter Offices, Cashier, DMV	Ken Porter Offices, Cashier, DMV
L	Auction Vehicle Display – Visible to Sreet	Auction Vehicle Display – Visible to Sreet
M	Auto Collision Repair Parking	Auction Oversize Equipment – Not Visible to Street
N	Auto Collision Repair Shops	Surplus Auction Warehouses / Storage
O	Collision Repair Offices / Parking	See Inventory of Potential Uses

Inventory of Proposed Uses For:
Ken Porter Auctions / Back in the Day / Don Kott Trust

Current Uses

1. Auction of used cars, trucks and equipment, recreation equipment
2. Display of vehicles and equipment for auction
3. Prepping of vehicles and equipment for auction
4. Display of Collector Vehicles
5. Retail Sales of Collector Vehicles
6. Display of Collectibles
7. Retail Sales of Collectibles
8. Storage of Auction vehicles and surplus

Inventory of Potential Uses

1. Used Vehicle Retail and Wholesale: Including sales, service, parts, body collision repair, detailing, prep, storage, and customization accessories, audio and tint service for cars, trucks, motor homes, boats, trailers, motorcycles, watersports and motorsports
2. Food service uses: manufacturing, distribution, sales, service. Restaurant, coffee shop, doughnut, sandwich etc.
3. Medical: exam office, clinic, hospital outpatient, medicare service, acupuncture, pharmacy

CITY OF CARSON
PLANNING COMMISSION
RESOLUTION NO. 11-

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. 213TH STREET

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

Section 1. An application was duly filed by the applicant, Ken Porter Auctions, with respect to real properties located at 21126, 21140 and 21212 S. Avalon Boulevard and 640 E. 213th 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.

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

Section 3. The Planning Commission finds that:

- a) The subject property is zoned CA (Commercial, Automotive) and has a General Plan Land Use designation of 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.

Section 4. 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.

Section 5. 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.

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

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

PASSED, APPROVED AND ADOPTED THIS 11th DAY OF OCTOBER, 2011.

CHAIRMAN

ATTEST:

SECRETARY

CITY OF CARSON
PLANNING COMMISSION
RESOLUTION NO. 11-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON APPROVING DESIGN OVERLAY REVIEW NO. 1400-11 FOR A FAÇADE REMODEL, RECOMMENDING APPROVAL OF AN ORDINANCE AMENDMENT TO SECTION 9138.15 OF THE CARSON MUNICIPAL CODE TO ALLOW AUTOMOTIVE REPAIR AS A PRIMARY USE FOR THOSE PROPERTIES FRONTING AVALON BOULEVARD AND WITHIN THE CA (COMMERCIAL, AUTOMOTIVE) ZONE DISTRICT, AND APPROVING CONDITIONAL USE PERMIT NO. 859-11 TO CONDUCT SUCH REPAIR SUBJECT TO APPROVAL OF THE ORDINANCE AMENDMENT, ON A SITE ZONED CA (COMMERCIAL, AUTOMOTIVE) LOCATED AT 21212 S. AVALON BOULEVARD.

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

Section 1. An application was duly filed by the applicant, AutoWest Collision Group, with respect to real property located at 21212 S. Avalon Boulevard, and described in Exhibit "A" attached hereto, requesting the approval of a façade remodel and related sign, landscaping, parking area, and general improvements to the former Don Kott Ford automobile dealership. Also, the applicant is requesting approval of an Ordinance Amendment to Sections 9131.1, 9133, 9138.2 and 9138.15 of the Carson Municipal Code and conditional use permit to permit vehicle service and repair ("automotive repair") as a primary use in the CA (Commercial, Automotive) zone district.

Public hearings were duly held on May 10, 2011 and May 24, 2011, at 6:30 P.M. at City Hall, Council Chambers, 701 East Carson Street, Carson, California. A notice of time, place and purpose of the aforesaid meeting was duly given.

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

Section 3. The Planning Commission finds that:

- a) The subject property is zoned CA (Commercial, Automotive) and has a General Plan Land Use designation of RC (Regional Commercial), which is consistent with the zoning designation. The proposed use is currently not permitted within the zone, thus the requests for a conditional use permit authorization and ordinance amendment. Surrounding uses include automobile dealerships, a convenience store, a mobile home park, and government offices. The proposed use is compatible with the General Plan and surrounding uses.
- b) Through the proposed façade improvements, the applicant intends to modernize the main sales building's appearance to be compatible with newer development in the vicinity. Landscape setbacks along Avalon Boulevard and 213th Street will be increased from five feet to ten feet, consistent with current standards. The subject property is adjacent to a commercially-zoned property which is compatible with the proposed use. The scale and appearance of the structures, as well as the large percentage of open space on the property contribute to a harmonious and attractive development of the area.

- c) The subject property is located on a corner lot at the intersection a major and local street. Adequate ingress and egress is accommodated on the site by virtue of three driveways from 213th Street and two along Avalon Blvd. Pedestrians accessing the site from the public right-of-way can enter along designated pedestrian paths that lead to the sales building. The site layout is provides for safe and effective vehicular and pedestrian access.
- e) The façade of the main sales building will be rehabilitated with repair of existing tiles and stucco finishes. Fresh paint will adorn all buildings and new signs are to be installed on the fascia board of the main building. The former pole sign at the southwest corner has been removed and will be replaced with a monument sign, colored and textured to match the style of the building's front elevation. A new, 25-foot high pole sign may be installed near the first driveway north of 213th Street. The use of contemporary materials and limited numbers of colors contribute to an attractive, restrained, and effective graphic, color, and sign presentation.
- f) Vehicle sales account for a significant percentage of sales tax revenue for the city. The 11-acre subject site was formerly occupied by the Don Kott Ford, Lincoln and Mercury automobile dealerships, which were major sales tax contributors. The subject site is currently vacant and underutilized, resulting in a substantial loss of sales tax revenue to the city. Furthermore, the subject property has been vacant since the closure of the former automotive dealerships in December, 2007, creating a significant blighting affect for a major and highly visible portion of the city's civic center and regional commercial area.
- g) The CA zone currently allows for existing automobile dealerships to operate automotive repair facilities, provided that such use is accessory to new vehicle sales. The proposal is to operate an automotive repair facility as a primary use. Recognizing the potential for proliferation of automotive repair as primary uses in the CA zone, the Planning Commission recommends approval of an ordinance amendment which authorizes only those properties fronting Avalon Boulevard and within the CA zone district to apply for a conditional use permit for auto repair as a primary use and which establishes a maximum operating period ending on or before July 1, 2017.
- h) The applicant's requested short-term opportunity to operate on the site as an automotive collision center will provide an appropriate use for the site, and remove the blighting effect by significantly upgrading the aesthetic appeal of the property with new landscaping, façade rehabilitation, and general site improvements.

Section 4. The Planning Commission further finds that the proposed building rehabilitation and reuse will not have a significant effect on the environment. Thus, the project is found to be Categorically Exempt, pursuant to California Environmental Quality Act Guidelines, Article 19, Section 15301 – Existing Facilities.

Section 5. Based on the aforementioned findings, the Commission hereby grants Design Overlay Review No. 1400-11 and Conditional Use Permit No. 859-11 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, 9138.2 and 9138.15 of the Carson Municipal Code to City Council as shown in Exhibit "C", and approves the categorical exemption.



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

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

PASSED, APPROVED AND ADOPTED THIS 24th DAY OF MAY, 2011.

CHAIRMAN

ATTEST:

SECRETARY

ORDINANCE NO. 16-1578U

AN INTERIM URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, EXTENDING A CITYWIDE MORATORIUM ON NEW DEVELOPMENT AND EXPANSION OR MODIFICATION OF EXISTING BUILDINGS OR SITES IN SIX PLANNING AREAS WITHIN THE CITY OF CARSON FOR A PERIOD OF TEN MONTHS AND FIFTEEN DAYS

The City Council of the City of Carson hereby ordains as follows:

SECTION 1. AUTHORITY AND EFFECT

R. The State Planning and Zoning Law (Cal. Gov't Code Sections 65000, et seq.) broadly empowers the City to plan for and regulate the use of land in order to provide for orderly development, the public health safety and welfare, and a balancing of property rights and the desires of the community and how its citizens envisions their city.

S. On December 15, 2015, Interim Urgency Ordinance No. 15-1575U was enacted pursuant to the authority conferred upon the City Council of the City of Carson by Government Code Section 65858 by a 5-0 vote.

T. Interim Urgency Ordinance No. 15-1575U enacted a 45-day moratorium on new development and expansion or modification of existing buildings or sites in six planning areas.

U. On January 5, 2016, the City issued a "10-day report" describing the measures taken to alleviate the conditions that led to the adoption of Interim Urgency Ordinance No. 15-1575U, which date was at least ten (10) days prior to the adoption of this extension, as required by State law; and

V. Based on the foregoing, the City Council finds that there continues to be a current and immediate threat to the public health, safety, and welfare from the issuance of permits, business licenses, or other applicable approvals and entitlements for new development and expansion or modification of existing buildings or sites in six planning areas prior to the City's completion of its study. Therefore, an extension of the temporary moratorium on the issuance of such permits, licenses, and entitlements is necessary to protect the public health, safety, and welfare.

W. In accordance with the authority granted to the City of Carson under Government Code Section 65858, subdivision (b), the City Council hereby extends the moratorium on the approval of use permits, variances, building permits, business licenses or other applicable approvals, licenses, permits, or other entitlements for new development and expansion or modification of existing buildings or sites in six planning areas for an additional 10 months and 15 days following the original 45 day period of Ordinance No. 15-1575U.

SECTION 2. FINDINGS

This Ordinance is an extension of Interim Urgency Ordinance No. 15-1575U, and is adopted pursuant to the authority granted to the City of Carson by California Government Code Section

65858, and is for the immediate preservation of the public health, safety and welfare. The facts constituting the urgency of this Ordinance are as follows; therefore, the City Council of the City of Carson hereby finds, determines, and declares that:

A. This moratorium is being extended in order to provide the City with enough time to thoroughly and adequately review, study, and revise the City's laws, rules, procedures, and fees related to new development and expansion or modification of existing buildings or sites in six planning areas as identified on Exhibit 1, as well as to enable the City to adequately and appropriately balance the rights of existing operators and future applicants who wish to on new development and expansion or modification of existing buildings or sites in six planning areas on the one hand, with the preservation of the health, safety, and welfare of the communities in the City of Carson on the other hand.

B. The existing rules do not provide for a cohesive future development plan to assist with the City's general plan goal of development of the 157-acre site as a potential location for a "Signature Project" that would create a focal point and identity for the City with commercial, recreational, entertainment and lodging uses that would serve the entire region.

C. New development and expansion or modification of existing buildings or sites in the six planning study areas may create irreversible or costly negative impacts in the community which will be inconsistent with the City's goals of transforming Carson to a regional/national/international destination with hotels, entertainment uses, restaurants, commercial centers, and a variety of other uses and in light of the immanent decision by the NFL on the possible relocation approval of a Los Angeles Stadium, the City needs to study the particular type of uses which are more attractive and supplemental as ancillary developments to create the "Signature Project" in Carson.

D. It is now essential to determine the development capacity of the six planning areas in light of the capabilities of the areas' infrastructure and public services and the market and to conduct comprehensive environmental analysis, the impacts which could result from the desired development can be mitigated or prevented altogether and identify the necessary infrastructure and public services that can be developed in a timely and cost effective manner.

E. Through analysis of opportunities and constraints, stakeholder outreach and planned development, and comprehensive environmental analysis including a review of the Public Safety and Public Services, the impacts which could result from development can be mitigated or prevented altogether with a comprehensive financing plan.

F. Absent the adoption of this Interim Urgency Ordinance, new development and expansion or modification of existing buildings or sites in the six study areas could result in the negative and harmful secondary effects, as identified above;

G. As a result of the negative and harmful secondary effects associated with improperly planned and regulated new development in the six planning study areas, the current and immediate threat such secondary effects pose to the public health, safety and welfare, and the potential zoning conflicts that would be created by new development and expansion or modification of existing buildings or sites in the six planning study areas, it is necessary to adopt a temporary, forty-five (45) day moratorium on new development in the six planning study areas in the City.

H. A moratorium is necessary in order to protect the City and its residents, businesses and visitors from the potential impacts of new development and expansion or modification of existing buildings or sites in the six planning study areas, including air quality, noise, traffic, parking, public safety and other impacts, and to preserve the quality of life and protect the health, safety and welfare of the community given potential development boosts in the area given the immanency in approval and development of a "Signature Project" on the Property. The City must make certain that new development and expansion or modification of existing buildings or sites in the six planning study areas are issued only under adequate regulations and to study cumulative impacts of developments in the area as well. Imposition of a moratorium will allow the City sufficient time to conclude the preparation of a comprehensive studies and plans for the regulation of such activities. The absence of this Ordinance would create a serious threat to the orderly and effective implementation of any amendments to the Carson Municipal Code, which may be adopted by the City Council as a result of studying this issue, in that new development and expansion or modification of existing buildings or sites in the six planning study areas under the Existing Regulations may be in conflict with or frustrate the purposes of the City's General Plan.

I. The revisions described in Paragraph H, above, and the nature of the land use will likely result in the City amending, repealing, and/or adding provisions to the Carson Municipal Code, including the Zoning Code.

SECTION 3. MORATORIUM

During the effective period of this ordinance, no application for permit will be accepted, no consideration of any application for permit will be made, and no permit will be issued by the City for the establishment, expansion, or modification of new development in six planning study areas within the City until this ordinance has expired or has been repealed according to applicable law. Further, all processing of existing applications for permits shall be suspended immediately. "Expansion" means increasing the total size of the floor area of the building by 10% or more. "Modification" means making any modifications to an existing building or site that require permits.

The provisions of this ordinance shall not apply to the leasing of tenant space within an existing building or structure if the term of the lease or rental agreement is three (3) years or less from the date of adoption of this ordinance with no further renewal options and it does not involve an Expansion of the total size of the floor area of the building by 10% or more. For such circumstances, the following may be issued by the City:

A. Business license; and

B. Permits for interior modifications or tenant improvements

"Permit" means any City planning land use approvals, issuance of any business license tax permit including the transfer of a business license from one owner to another, and any building, grading, plumbing, electrical or mechanical permit issued by the City, whether the approval or issuance is discretionary or ministerial. The annual renewal of an existing business license, any permits necessary for the routine maintenance of the buildings or sites, or any permits necessary for repairs required due to an emergency or to protect the public health, safety and welfare, shall not be considered issuance of a permit.

SECTION 4. REVIEW AND STUDY

During the period of this Ordinance, the Director of Community Development or his or her designee shall review, study and propose revisions as necessary to the City's laws, rules, procedures and fees related to the establishment, expansion, or modification of new development in six planning study areas, to enable the City to adequately and appropriately balance the rights of existing operators and future applicants who wish to establish, expand, or modify new development in six planning study areas in the City, with the preservation of the health, safety and welfare of the communities surrounding planning areas.

SECTION 5. GRANDFATHERING

This Interim Urgency Ordinance shall not apply to any project which has been previously approved by the City or its constituent boards, commissions or officials so long as such approvals remain valid. Any application for discretionary land use development entitlements, zoning variances which is being processed shall be subject to the requirements hereof.

SECTION 6. EXCEPTION

The City Council may allow exceptions to the application of this Ordinance, if, based on substantial evidence presented in writing to the City Council at a Council meeting held no less than 30 nor more than 90 City- calendar days after the Planning Manager's receipt of that evidence, it determines any of the following:

- A. The City's receipt and consideration of an application for a permit to establish, expand, or modify development in six planning study areas within the City's jurisdiction is necessary for the preservation of the public health, safety and welfare; or
- B. The City's receipt and consideration of an application for a permit to expand, or modify development in six planning study areas within the City's jurisdiction will result in a project which will improve energy or water efficiency; or
- C. The request is for an exception from the application of this Ordinance for the leasing and tenant improvements of tenant space within an existing building or structure and either (1) the use proposed under the lease is consistent with and will not pose an impediment to the establishment of a "signature project" as that concept is described in the Land Use and Economic Development Elements of the City's General Plan; or
- D. The request is for an exception from the application of this Ordinance for permits for development of new projects or expansion and modification of existing buildings and sites and the use proposed is consistent with and will not pose an impediment to the establishment of a "signature project" as that concept is described in the Land Use and Economic Development Elements of the City's General Plan.

If the City Council determines to allow an exception pursuant to this section, then such applications and/or permits may be filed and processed in accordance with the City's then current regulations and authority, subject to the California Environmental Quality Act ("CEQA"), CEQA Guidelines, and any other applicable laws, ordinances and regulations.

SECTION 7. URGENCY MEASURE

It is hereby declared this Ordinance is necessary as an urgency measure for the preservation of the public health, safety and welfare. The City Council finds that the current zoning regulations and land use plans relating to the establishment, expansion, or modification of new development in six planning study areas do not adequately protect the peace, health, safety, and general welfare of the residents of the City or in communities around the City. The City Council finds that this interim urgency ordinance is necessary in order to ensure adequate regulation of the establishment, expansion, or modification of new development in six planning study areas, which regulations will serve to adequately and appropriately balance the rights of existing operators and future applicants who wish to establish, expand, or modify of new development in six planning study areas on the one hand, with the preservation of the public health, safety, and welfare of the surrounding communities on the other hand. The facts constituting the urgency are:

A. The City of Carson desires to encourage the development of approximately 157-acre property ideally located on the 405 Freeway, near the 110 (Harbor) Freeway.(the "Property") within the City, which is currently undeveloped, is identified in the City's General Plan as a potential location for a "Signature Project" that would create a focal point and identity for the City with commercial recreational uses that would serve the entire region.

B. The Property is on a former landfill. Clean-up of the Property and implementation of remediation systems are subject to oversight by the Department of Toxic Substance Control ("DTSC").

C. The remediation of the applicable portions of the Property is well underway and the Property is ready for development. Ground water remediation and landfill gas systems are fully permitted and operational. The Carson Reclamation Authority has also installed reclaimed water lines to serve the site for landscaping and construction purposes.

D. In connection with this, the City Council desires to consider and study the development of ancillary uses within the City on appropriate sites to assist in the successful development of this "Signature Project."

E. The Property is ready and can be used to build a major retail center per the originally approved mixed-use retail project.

F. In connection with development of the Property, the City has gone to the South Bay Council of Governments and received approval for a rapid transit plan to serve the signature development on the property.

G. The "Signature Project" will provide economic development opportunities associated with its development creating construction and permanent jobs in the City and the surrounding area, generating new economic activity, including generating new business for local hotels and restaurants, and encouraging the creation of new businesses in the City and the surrounding area.

H. The site is surrounded by over 600 acres of vacant and developed land with commercial, industrial and recreational uses within six planning areas that present a unique development and redevelopment opportunity as identified on Exhibit 1.

I. The proposed "Signature Project" provides a unique opportunity for the development and redevelopment of the surrounding properties within the planning areas and the City is aware of interested parties in acquiring and developing in the six planning areas.

J. The properties within the six planning areas were originally developed under L.A. County zoning and many of the sites are former land-fills or industrial brownfield uses and as a result are "distressed" properties.

K. If planned accordingly, the entire area could be envisioned and transformed into vibrant districts designed to maximize the compatibility with the "Signature Project" with new commercial businesses and nearby residences. This planning effort would assure that all new development can be accommodated by proper zoning, appropriate remediation measures and proper infrastructure and public services and that an infrastructure financing plan is developed to identify the financing options for this infrastructure and public services.

L. The City Council would like to take advantage of this opportunity to transform Carson to a regional/national/international destination with hotels, entertainment uses, restaurants, commercial centers, and a variety of other uses.

M. This effort will require careful planning of the area surrounding the proposed "Signature Project". The proposed moratorium would provide the time necessary for the City to thoroughly study the area, meet with property owners, the community, and other stakeholders, and develop plans for the area that would benefit all the parties involved, such as potential development of hotels, restaurants, and other retail uses which would be complimentary to the Signature Project and the City's goals of transforming Carson to a regional/national/international destination. The final product of this effort could include specific plans, area wide urban design guidelines, environmental impacts reports, infrastructure plan, financing plans, and implementation plans for the study areas to facilitate their development/redevelopment.

N. The City also needs time to evaluate the potential cumulative impacts of new development in the six planning areas now, before continued development creates irreversible or costly negative impacts in the community. It is now essential to determine the development capacity of the six planning areas in light of the capabilities of the areas' infrastructure and public services and the market. Through analysis of opportunities and constraints, stakeholder outreach and planned development, and comprehensive environmental analysis, the impacts which could result from the desired development can be mitigated or prevented altogether and identify the necessary infrastructure and public services can be developed in a timely and cost effective manner.

O. To permit development in the six planning areas to continue without being subject to regulations that are consistent with the General Plan, and that take into account the impacts that such developments have, constitutes a threat to the health, safety, and welfare.

P. Undesirable developments are likely to seek to located in the City of Carson based on the lack of regulations, which will further exacerbate the impacts of such developments.

Q. Absent the adoption of this Interim Urgency Ordinance, the development in the six planning areas is likely to result in the negative and harmful secondary effects described above;

R. Based on the negative and harmful secondary effects associated with improperly regulated development within the six planning areas, the current and immediate threat such secondary effects pose to the public health, safety and welfare, and the potential zoning conflicts that would be created by this development, it is necessary to extend the moratorium for the six planning areas for a period of 10 months and 15 days.

S. This extension is necessary in order to continue to protect the City and its residents, businesses, and visitors from the potential health and safety impacts of establishment, expansion, or modification of new development in six planning study areas, including air quality, noise, traffic, parking, and other impacts, and to preserve the quality of life and protect the health, safety, and welfare of the surrounding communities.

T. This extension is immediately required to preserve the public health, safety, and welfare, to make certain that permits for establishment, expansion, or modification of new development in six planning study areas are issued only under adequate regulations. The extension of the moratorium will allow the City sufficient time to conclude the preparation of a comprehensive ordinance for the regulation of such activities. Allowing the moratorium to expire would create a serious threat to the orderly and effective implementation of any amendments to the Carson Municipal Code, which may be adopted by the City Council as a result of studying this issue, in that establishment, expansion, or modification of new development in six planning study areas under the existing regulations may be in conflict with or frustrate the purposes of the City's General Plan.

SECTION 8. SEVERABILITY

The City Council hereby declares, if any provision, section, subsection, paragraph, sentence, phrase or word of this ordinance is rendered or declared invalid or unconstitutional by any final action in a court of competent jurisdiction or by reason of any preemptive legislation, then the City Council would have independently adopted the remaining provisions, sections, subsections, paragraphs, sentences, phrases or words of this ordinance and as such they shall remain in full force and effect.

SECTION 9. CEQA COMPLIANCE

Pursuant to Section 15001 of the California Environmental Quality Act ("CEQA") Guidelines, this interim urgency ordinance is exempt from CEQA based on the following:

(a) This ordinance is not a project within the meaning of CEQA Section 15378 because it has no potential for resulting in physical change to the environment, either directly or indirectly.

(b) This ordinance is also exempt pursuant to CEQA Section 15061(b)(3) since the proposed ordinance involves an interim urgency ordinance extending a 45-day temporary moratorium on establishment, expansion, or modification of new development in six planning study areas by 10 months and 15 days and does not have the potential to significantly impact the environment.

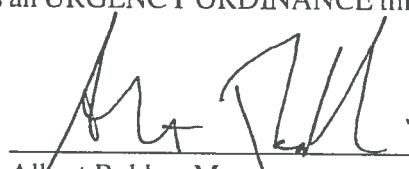
SECTION 10. PUBLICATION

The City Clerk shall certify as to the passage and adoption of this Interim Urgency Ordinance and shall cause the same to be published in a manner prescribed by law.

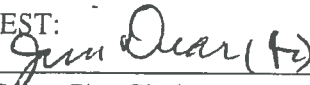
SECTION 11. EFFECTIVENESS OF ORDINANCE.

This Interim Urgency Ordinance shall become effective immediately upon adoption if adopted by at least four-fifths (4/5) vote of the City Council and shall be in effect for an additional 10 months and 15 days from the date of the expiration of the original 45-day Interim Urgency Ordinance, and shall expire on December 15, 2016.

PASSED, APPROVED and ADOPTED as an URGENCY ORDINANCE this 19th day of January, 2016.


Albert Robles, Mayor
City of Carson, California

ATTEST:


Jim Dear, City Clerk
City of Carson, California

APPROVED AS TO FORM:


City Attorney Sunny K. Soltani

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss.
CITY OF CARSON)

I, Jim Dear, City Clerk of the City of Carson, California, hereby attest to and certify that the foregoing ordinance, being Ordinance No. 16-1578U was adopted by the City Council on an urgency basis at a meeting of said Council, held on the 19th day of January, 2016, by the following roll call vote:

AYES:	COUNCIL MEMBERS:	Mayor Robles, Davis-Holmes, Hilton, and Gause-Aldana
NOES:	COUNCIL MEMBERS:	None
ABSTAIN:	COUNCIL MEMBERS:	Santarina
ABSENT:	COUNCIL MEMBERS:	None


City Clerk Jim Dear

RESOLUTION NO. 16-139

A RESOLUTION OF THE CITY OF CARSON, CALIFORNIA, ALLOWING AN EXCEPTION TO THE APPLICATION OF INTERIM URGENCY ORDINANCE NO. 16-1578U TO ALLOW PROCESSING OF PLANS AND ALL RELATED PERMITS FOR CONTINUATION OF THE CURRENT TEMPORARY USES RELATED TO KEN PORTER AUCTIONS UNTIL FEBRUARY 1, 2020 LOCATED AT 21212 AVALON BOULEVARD.

WHEREAS, On December 15, 2015, Interim Urgency Ordinance No. 15-1575U was enacted pursuant to the authority conferred upon the City Council of the City of Carson by Government Code Section 65858 by a 5-0 vote; and

WHEREAS, Interim Urgency Ordinance No. 15-1575U enacted a 45-day moratorium on new development and expansion or modification of existing buildings or sites in six planning areas; and

WHEREAS, On January 5, 2016, the City issued a "10-day report" describing the measures taken to alleviate the conditions that led to the adoption of Interim Urgency Ordinance No. 15-1575U, which date was at least ten (10) days prior to the adoption of this extension, as required by State law; and

WHEREAS, On January 19, 2016, the City Council adopted Interim Urgency Ordinance No. 16-1578U extending a moratorium on new development and expansion or modification of existing buildings or sites in six Planning Areas for 10 months and 15 days. On February 2, 2016, the City Council ratified the ordinance; and

WHEREAS, A moratorium was necessary in order to protect the City and its residents, businesses and visitors from the potential impacts of new development and expansion or modification of existing buildings or sites in the six planning study areas, including air quality, noise, traffic, parking, public safety and other impacts, and to preserve the quality of life and protect the health, safety and welfare of the community given potential development boosts in the area given the immanency in approval and development of a "Signature Project" on the Property. The City must make certain that new development and expansion or modification of existing buildings or sites in the six planning study areas are issued only under adequate regulations and to study cumulative impacts of developments in the area as well. Imposition of a moratorium will allow the City sufficient time to conclude the preparation of a comprehensive studies and plans for the regulation of such activities. The absence of this Ordinance would create a serious threat to the orderly and effective implementation of any amendments to the Carson Municipal Code, which may be adopted by the City Council as a result of studying this issue, in that new development and expansion or modification of existing buildings or sites in the six planning study areas under the Existing Regulations may be in conflict with or frustrate the purposes of the City's General Plan; and

[MORE] EXHIBIT NO. 8 -

WHEREAS, During the effective period of the moratorium, no application for permit will be accepted, no consideration of any application for permit will be made, and no permit will be issued by the City for the establishment, expansion, or modification of new development in six planning study areas within the City until this ordinance has expired or has been repealed according to applicable law; and

WHEREAS, The City Council may allow exceptions to the application of the moratorium, if, based on substantial evidence presented in writing to the City Council at a Council meeting held no less than 30 nor more than 90 City- calendar days after the Planning Manager's receipt of that evidence, it determines any of the following:

- A. The City's receipt and consideration of an application for a permit to establish, expand, or modify development in six planning study areas within the City's jurisdiction is necessary for the preservation of the public health, safety and welfare; or
- B. The City's receipt and consideration of an application for a permit to expand, or modify development in six planning study areas within the City's jurisdiction will result in a project which will improve energy or water efficiency; or
- C. The request is for an exception from the application of this Ordinance for the leasing and tenant improvements of tenant space within an existing building or structure and either (1) the use proposed under the lease is consistent with and will not pose an impediment to the establishment of a "signature project" as that concept is described in the Land Use and Economic Development Elements of the City's General Plan; or
- D. The request is for an exception from the application of this Ordinance for permits for development of new projects or expansion and modification of existing buildings and sites and the use proposed is consistent with and will not pose an impediment to the establishment of a "signature project" as that concept is described in the Land Use and Economic Development Elements of the City's General Plan; and

WHEREAS, on August 18, 2016, Mr. Jeffrey Morgan of Cushman and Wakefield on behalf of Ken Porter Auctions and Mr. Paul Freeman of Shibumi Strategies representing the Kott family (Applicant) filed a request to make an exception to this ordinance to allow processing of plans and all necessary permits for continuation of the current temporary uses related to Ken Porter Auctions until February 1, located at 21212 Avalon Boulevard.

WHEREAS, Staff has reviewed application and views this temporary use consistent with "signature project" as defined in concept in the Land Use and Economic Development Elements of the City's General Plan because it is consistent with the existing and future vision for the area as it is temporary. The area is expected to remain commercial or transition to mixed use.

WHEREAS, If the City Council determines to allow an exception, then such applications and/or permits may be filed and processed in accordance with the City's then current regulations

and authority, subject to the California Environmental Quality Act ("CEQA"), CEQA Guidelines, and any other applicable laws, ordinances and regulations.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CARSON HEREBY MAKES THE FOLLOWING FINDINGS:

1. Section 6 of Interim Urgency Ordinance No. 16-1578U states that the City Council may allow exceptions to the application of this Ordinance, if the City Council determines any of the provisions included in Section 6, A through D apply to the request. Staff has determined that provisions of Section 6.C. apply to this request; and

2. The request is for an exception from the application of Interim Urgency Ordinance No. 16-1578U for construction of the Shelby Museum, site improvements, and the Shelby Garage and Showroom is consistent with and will not pose an impediment to the establishment of a "signature project" as that concept is described in the Land Use and Economic Development Elements of the City's General Plan. The "signature project" will be a regional retail destination and the proposed improvements do not compete with the "signature project". In addition, the improvements would eventually compliment the "signature project"; and

3. The said property is an existing facility for Ken Porter Auctions with a General Plan designation of Regional Commercial. The improvements to the existing facility will provide sufficient upgrades to extend it till February 1, 2020. Staff has determined the said improvements are generally consistent with the existing zoning and character of the area and would not pose an impediment to the establishment of a "signature project" as required by Section 6.C Interim Urgency Ordinance No. 16-1578U since it is a temporary facility.

PASSED, APPROVED AND ADOPTED THIS 18th DAY OF October, 2016.


MAYOR ALBERT ROBLES

ATTEST:


DONESIA L. GAUSE, CITY CLERK

APPROVED AS TO FORM:

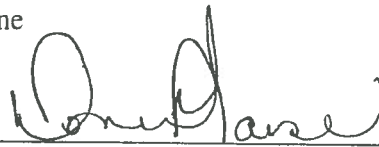

CITY ATTORNEY

[MORE]

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss.
CITY OF CARSON)

I, Donesia L. Gause, City Clerk of the City of Carson, California, hereby attest to and certify that the foregoing resolution, being Resolution No. 16-139, adopted by the Carson City Council at its meeting held on the 18th day of October, 2016, by the following vote:

AYES:	COUNCIL MEMBERS:	Mayor Robles, Davis-Holmes, Santarina, Hilton, and Hicks
NOES:	COUNCIL MEMBERS:	None
ABSTAIN:	COUNCIL MEMBERS:	None
ABSENT:	COUNCIL MEMBERS:	None



Donesia L. Gause, CMC