



City of Carson

Report to Mayor and City Council

November 15, 2011
Special Orders of the Day

SUBJECT: CONSIDERATION OF ORDINANCE NO. 11-1480 AMENDING THE CARSON MUNICIPAL CODE TO ALLOW AUTOMOTIVE AND EQUIPMENT AUCTIONS AS A PRIMARY USE FOR PROPERTIES FRONTING AVALON BOULEVARD AND LOCATED WITHIN THE CA (COMMERCIAL, AUTOMOTIVE) ZONE

Submitted by Clifford W. Graves
Economic Development General Manager

Approved by David C. Biggs
City Manager

I. SUMMARY

On October 11, 2011, the Planning Commission adopted Resolution No. 11-2407 (Exhibit Nos. 1 and 2) recommending approval to the City Council of a text amendment modifying the Carson Municipal Code (CMC). The proposed amendment would permit automotive and equipment auctions as a primary use for those properties fronting Avalon Boulevard and within the CA (Commercial, Automotive) zone subject to an approved conditional use permit (CUP). Ken Porter Auctions (KPA) will be operating the automotive and equipment auction use on properties formerly occupied by the Don Kott Automotive Dealerships (Exhibit No. 3).

II. RECOMMENDATION

TAKE the following actions:

1. OPEN the Public Hearing, TAKE public testimony, and CLOSE the Public Hearing.
2. WAIVE further reading and INTRODUCE Ordinance No. 11-1480, "AN ORDINANCE OF THE CITY OF CARSON, CALIFORNIA, AMENDING THE CARSON MUNICIPAL CODE TO ALLOW FOR AUTOMOTIVE AND EQUIPMENT AUCTIONS AS A PRIMARY USE FOR THOSE PROPERTIES FRONTING AVALON BOULEVARD AND LOCATED WITHIN THE CA (COMMERCIAL, AUTOMOTIVE) ZONE WITH AN APPROVED CONDITIONAL USE PERMIT."

III. ALTERNATIVES

1. DENY request.
2. REFER this matter back to the Planning Commission with revision instructions.
3. TAKE another action the City Council deems appropriate.

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IV. BACKGROUND

The applicant, KPA, requests the approval of an ordinance amendment to allow the use of an automotive and equipment auction on a site located in the CA (Commercial Automotive) zoning district. The ordinance amendment is written so that only properties in the CA zoning district that are along Avalon Boulevard could be considered for an automotive and equipment auction. Upon approval, the proposed ordinance amendment would allow the use to be permitted until July 1, 2017, to coincide with KPA's lease agreement. It should be noted that the expiration date was administratively extended from the Planning Commission recommendation of December 31, 2016, as the later date would better accommodate the site agreement between the applicant and property owner. The use of the expiration date allows the use on a temporary basis to ensure that future development at the site would be compatible with the area.

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. A copy of the draft Ordinance No. 11-1480 is included as Exhibit No. 4.

KPA auction 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. On-site security and traffic control staff will be provided during auction days. Sold items are customarily removed the same day. There will be overflow customer parking available via shuttle service at 640 E. 213th Street behind the Arco gas station. The existing five-foot landscape planter along Avalon Boulevard will be widened to ten feet, to improve aesthetics.

V. FISCAL IMPACT

None.

VI. EXHIBITS

1. Planning Commission Resolution No. 11-2407. (pgs. 4-6)
2. Planning Commission staff report with annotated action summary for Ordinance Amendment and Conditional Use Permit No. 881-11. (pgs. 7-24)
3. Site Map. (pg. 25)
4. Draft Ordinance No. 11-1480. (pgs. 26-28)

Prepared by: Zak Gonzalez II, Associate Planner

sf:Rev061902

Reviewed by:

City Clerk	City Treasurer
Administrative Services	Development Services
Economic Development Services	Public Services

Action taken by City Council

Date _____ Action _____

CITY OF CARSON

PLANNING COMMISSION

RESOLUTION NO. 11-2407

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 Categorical 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



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/E/A 21126 AVALON, CARSON, CALIFORNIA

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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

Chairman Faletogo moved, seconded by Commissioner Brimmer, to concur with staff recommendation, thus adopting Resolution No. 11-2407. Motion carried, 9-0.

AYE	NO		AYE	NO	
<input checked="" type="checkbox"/>		Chairman Faletogo	<input checked="" type="checkbox"/>		Saenz
<input checked="" type="checkbox"/>		Vice-Chair Gordon	<input checked="" type="checkbox"/>		Schaefer
<input checked="" type="checkbox"/>		Brimmer	<input checked="" type="checkbox"/>		Verrett
<input checked="" type="checkbox"/>		Diaz	<input checked="" type="checkbox"/>		Williams
<input checked="" type="checkbox"/>		Goolsby			

EXHIBIT NO. 2 -

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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. Signe, AICP, Senior Planner

Approved by: _____

Sheri Repp-Loadsman, Planning Officer



CITY OF CARSON
OFFICE OF ECONOMIC DEVELOPMENT
PLANNING DIVISION
EXHIBIT "B"
CONDITIONS OF APPROVAL
CONDITIONAL USE PERMIT NO. 881-11

GENERAL CONDITIONS

1. Approval of Conditional Use Permit No. 881-11 is contingent upon Ordinance No. 10-11 becoming effective. If, for any reason, an automotive and equipment auction use is not allowed as a conditionally permitted use in the CA zoning district, then Conditional Use Permit No. 881-11 shall become null and void.
2. If a business license permit for said use is not issued within one year of the date of approval of Conditional Use Permit No.881-11, said permit shall be declared null and void unless an extension of time is requested prior to expiration and approved by the Planning Commission.
3. Upon activation, the Conditional Use Permit shall become automatically null and void if said use has been suspended or has ceased to exist for a period of one year, unless an extension of time is requested prior to expiration and approved by the Planning Commission.
4. The approved Resolution, including the Conditions of Approval contained herein, and signed Affidavit of Acceptance, shall be copied in their entirety and placed directly onto a separate plan sheet behind the cover sheet of the approved development plans prior to Building and Safety plan check submittal. Said copies shall be included in all development plan submittals, including any revisions and the final working drawings.
5. The applicant shall make any necessary site plan and design revisions to the site plan and elevations approved by the Planning Commission and on file with the City Planning Division, in order to comply with all the conditions of approval and applicable Zoning Ordinance provisions. Substantial revisions will require review and approval by the Planning Commission.
6. The applicant shall submit two complete sets of plans that conform to all the Conditions of Approval, and which are consistent with the development plans included as exhibits to the staff report presented at the hearing in which the project was approved, including modifications to the plans and/or conditions of approval made by the Planning Commission during said hearing. Such approved development plans are subject to review and approval by the Planning Division prior to the issuance of a building permit.



7. The applicant and property owner shall sign an Affidavit of Acceptance form and submit the document to the Planning Division within 30 days of receipt of the Planning Commission Resolution.
8. It is further made a condition of this approval that if any condition is violated or if any law, statute or ordinance is violated, this permit may be revoked by the Planning Commission or City Council, as may be applicable; provided the applicant has been given written notice to cease such violation and has failed to do so for a period of thirty days.
9. Decision of the Planning Commission shall become effective and final 15 days after the date of its action unless an appeal is filed in accordance with Section 9173.4 of the Zoning Ordinance.
10. A modification of the conditions of this permit, including additions or deletions, may be considered upon filing of an application by the owner of the subject property or his/her authorized representative in accordance with Section 9173.1 of the Zoning Ordinance.
11. Applicant shall defend, indemnify and hold harmless the City of Carson, its agents, officers, or employees from any claims, damages, action, or proceeding against the City or its agents, officers, or employees to attack, set aside, void or annul, and approval of the City, its advisory agencies, appeal boards, or legislative body concerning Conditional Use Permit No. 881-11. The City will promptly notify the Applicant of any such claim, action, or proceeding against the City and the Applicant will either undertake defense of the matter and pay the City's associated legal costs or will advance funds to pay for defense of the matter by the City Attorney. The City will cooperate fully in the defense. Notwithstanding the foregoing, the City retains the right to settle or abandon the matter without the Applicant's consent but should it do so, the City shall waive the indemnification herein, except, the City's decision to settle or abandon a matter following an adverse judgment or failure to appeal, shall not cause a waiver of the indemnification rights herein.

PLANNING DIVISION

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



16. There will be no parking of auction items in customer parking areas. Furthermore, all driveways shall remain clear. No encroachment into parking areas and/or driveways shall be permitted.
17. The applicant shall provide and maintain a minimum of 146 parking spaces for public parking on site at all times. Additional over-flow parking spaces may be located off-site at 640 E. 213th Street, provided that a circulation plan is reviewed and approved by the city traffic engineer and safe and adequate means of travel is provided.
18. All customer parking and automotive equipment auction areas including storage areas shall be re-slurried and re-stripped in compliance with the Carson Municipal Code (CMC).
19. The applicant shall install decorative trash containers within customer parking and food vending areas to keep and maintain automotive and equipment auctions areas clean and litter free.
20. The applicant shall provide 24 hour video monitoring system in coordination with the LA County Sheriff Department.
21. The applicant shall submit a security plan for LA County Sheriff Department approval identifying security operations that will protect the public's health and welfare during hours of operation of the proposed automotive and equipment auction.
22. The applicant shall direct all amplification equipment away from residential areas during hours of operation in compliance with CMC Section 9138.21.
23. Parking spaces shall be identified (marked) as provided in Section 9162.56 of the Zoning Ordinance.
24. Parking spaces shall be provided with perimeter guards as provided in Section 9162.55 of the Zoning Ordinance.
25. Compact spaces shall be properly designated pursuant to Section 9162.43 of the Zoning Ordinance.
26. Handicap parking shall comply with the requirements of Section 9162.42 of the Zoning Ordinance.

LANDSCAPING/IRRIGATION

27. The applicant shall submit two sets of landscaping and irrigation plans drawn, stamped, and signed by a licensed landscape architect. Such plans are to be approved by the Planning Division prior to the issuance of a building permit.
28. Such landscaping and irrigation plans shall be stamped and signed by a licensed landscape architect and are to include, but are not limited to:
 - a. A 10-foot-wide landscape area in the setback along Avalon Boulevard;



- b. All landscaping along 213th Street shall be re-planted and irrigated with a working automatic irrigation system set for early morning or late evening irrigation, including the shuttle parking area along 213th Street and Avalon Boulevard behind the Arco Service Station;
- c. Annual flowers shall be planted wherever possible; and
- d. Irrigation system designed to commercial grade standards.

Furthermore, these plans are subject to Planning Division review and approval before landscape/irrigation construction, which is to be completed prior to the issuance of a building permit. Prior to certificate of occupancy, all landscaping and irrigation shall be installed subject to the satisfaction of the Planning Division.

- 29. The applicant shall comply with the provisions of Section 9168 of the Zoning Ordinance, "Water Efficient Landscaping."
- 30. The applicant shall install 6-inch by 6-inch concrete curbs around all landscaped planter areas, except for areas determined by a SUSMP/NPDES permit, or other applicable condition of approval that requires certain landscaped areas to remain clear of concrete curbs for more efficient stormwater runoff flow and percolation. Revised landscaping and irrigation plans shall be reviewed and approved by the Planning Division should subsequent modifications be required by other concerned agencies regarding the removal of concrete curbs.

UTILITIES

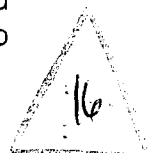
- 31. All utilities and aboveground equipment shall be constructed and located pursuant to Section 9136.8 of the Zoning Ordinance, unless otherwise provided for in these conditions.
- 32. All roof mounted equipment shall be screened from public view or incorporated into the design of the structure or building.
- 33. All utility meters will be painted the same color as the structures to reduce visibility (the Gas Company will not allow meters to be placed in boxes).

AESTHETICS

- 34. The specification of all building colors and materials must be submitted and approved by the Planning Division prior to the issuance of any building permits.
- 35. Graffiti shall be removed from all project areas within 3 days of written notification by the City of Carson. Should the graffiti problem persist more than twice in any calendar year, the matter may be brought before the Planning Commission for review and further consideration of site modifications (i.e., fencing, landscaping, chemical treatment, etc.).

SIGNS

- 36. Business signs and sign structures shall be permitted in conformance with development plans which have been approved pursuant to the Site Plan and Design Review procedures (including the number of signs and sign structures to



be permitted) as provided in Section 9172.23. Use of the existing freeway sign located on the southeast corner of the subject property shall be prohibited, unless expressly permitted by written authorization from the Planning Officer.

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

FENCES/WALLS

40. All fences, walls and hedges shall be located and constructed in compliance with the standards as provided for in Section 9136.3 (commercial zones) of the Zoning Ordinance.
41. Concertina/razor wire and barbed wire is prohibited. Shepard's crook atop the required wrought-iron may be used as an alternative, subject to review and approval by the Planning Division. Existing Concertina/razor wire, if any, adjacent to the freeway may remain.

LIGHTING

42. All exterior lighting shall be provided in compliance with the standards as provided for in Section 9137.1 (commercial zones) of the Zoning Ordinance.
43. Such lights are to be directed on-site in such a manner as to not create a nuisance or hazard to adjacent street and properties, subject to the approval of the Planning Division.

TRASH

44. A trash enclosure and recycling area shall be provided and located on a four-inch concrete pad. A painted metal, self-closing door shall be used for enclosing the entrance to the trash and recycling areas. The trash and recycling area enclosure design is to be approved by the Planning Division prior to issuance of any building permit(s).
45. Recycling areas shall be provided in accordance with Sections 9164.4 and 9164.5 of the Zoning Ordinance. The number and size of recycling facilities are subject to the approval of the Planning Division.
46. Trash cans shall be provided throughout the customer areas on the day of the event and emptied appropriately the same day. All litter generated by the event and found in the parking lot or adjacent street right-of-ways shall be promptly removed and disposed.



FIRE DEPARTMENT - COUNTY OF LOS ANGELES

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

PUBLIC SAFETY - CITY OF CARSON

49. Ensure compliance with non-structural seismic mitigation measures, e.g. overhead glass treatments should use safety glass or film; vending machines, ice machines (if used) and other types of machines and equipment should be bolted or braced.

ENGINEERING SERVICES DEPARTMENT - CITY OF CARSON

50. Repair any broken or raised sidewalk, curb and gutter along Avalon Boulevard within or abutting this proposed development per City of Carson Standard and to the satisfaction of the City Engineer.
51. All necessary street dedication and street improvements shall apply due to the exceptions stated on CMC 9162.2, with the exceptions to the items below
52. A construction permit is required for any work to be done in the public right-of-way.
53. Any improvements damaged during the construction shall be removed and reconstructed per City of Carson Standard plan and to the satisfaction of the City Engineer.
54. All infrastructures necessary to serve the proposed development (water, sewer, storm drain, and street improvements) shall be in operation prior to the issuance of Certificate of Occupancy.
55. Prior to issuance of Building Permit, the following must be on file:
 - a. Drainage/Grading plan prepared by a registered Civil Engineer, to the satisfaction of the Building and Safety Division.
 - b. Construction bond as required for all work to be done within the public right of way.
 - c. Proof of Worker's Compensation and Liability Insurance.
56. The Developer shall comply with the applicable SUSMP requirements and shall incorporate into the project plan a Storm Water Mitigation Plan, which includes those Best Management Practices necessary to control storm water pollution from construction activities and facility operations prior to issuance of Building Permit.

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

BUSINESS LICENSE DEPARTMENT - CITY OF CARSON

58. Per section 6310 of the Carson Municipal Code, all parties involved in the project, including but not limited to contractors and subcontractors, will need to obtain a City Business License.





August 23, 2011

Background

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

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

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

Operation of Auto Auction

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

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Gardena, CA 90248

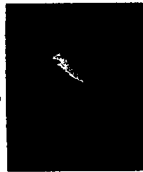
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Ken Porter

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

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

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

Miscellaneous Auction Sale

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



"Back in the Day" Collector Car Sales

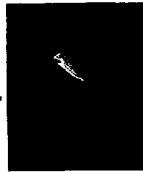
The North Showroom that was the Jeep dealership will house the "Back in the Day" (BID) high end collector car showroom and sales. Operating as a conventional auto dealership, the sales floor will display some of the greatest collectible cars of the past, for sale. Walk in sales as well as internet and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

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

Beautification Upgrades to the Property

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

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

Company Facts

KPA has 23 fulltime employees.

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

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

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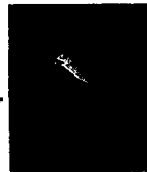
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Clients

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

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Ken Porter

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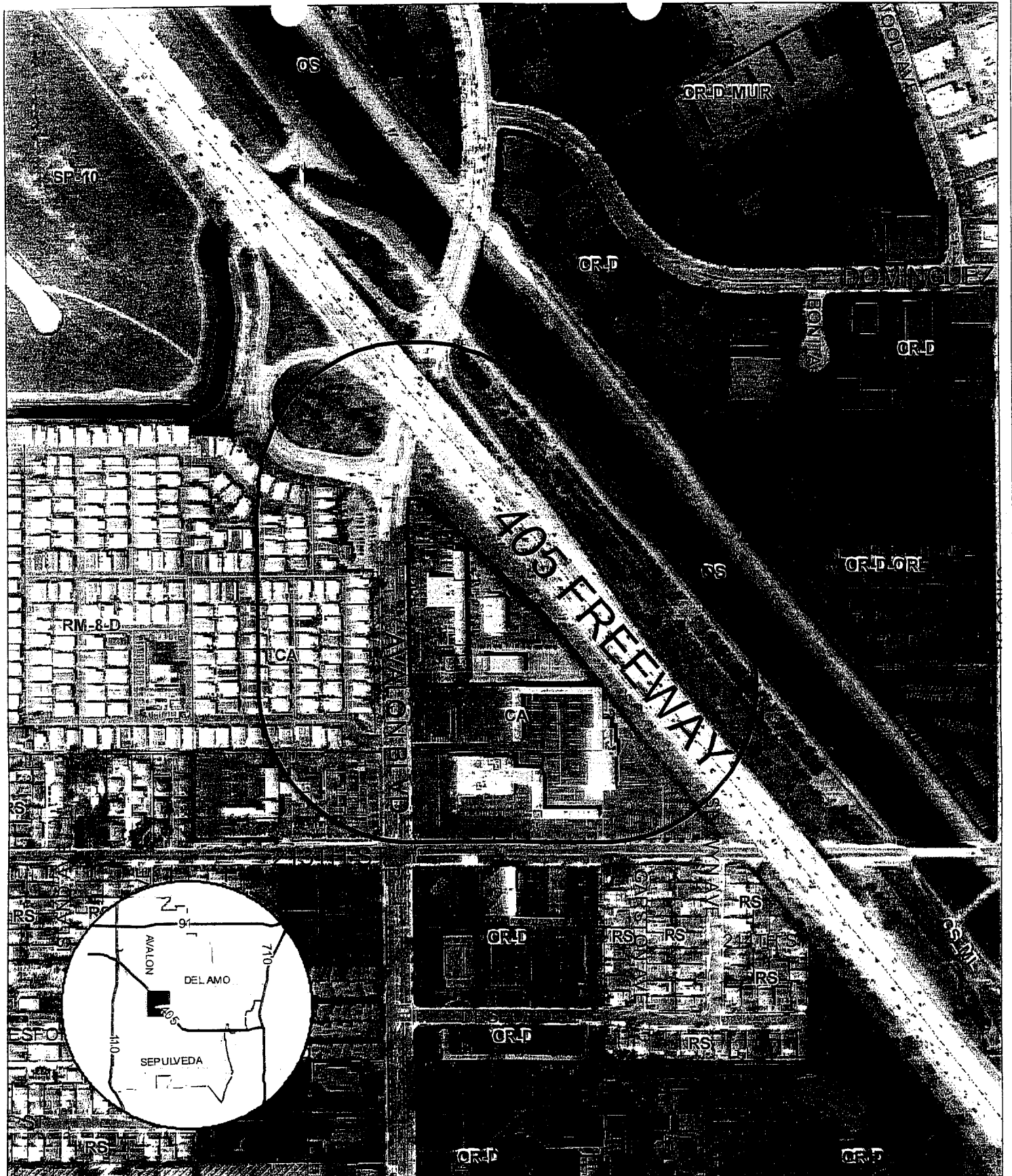
Los Angeles Unified School Dist	SAN DIEGO CO OFFICE OF ED	PALOS VERDES PENINSULA T A
Metropolitan Transit System	San Diego CO Regional Air Auth	Orange County Fire Authority
Montecito Water District	San Diego County Water Auth	VISTA IRRIGATION DISTRICT
MOUNTAIN VIEW SCHOOL DIST	San Marcos Unified School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

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City of Carson
 500 Foot Radius Map
 21126 S Avalon Blvd

EXHIBIT NO. 3 -



ORDINANCE NO. 11-1480

AN ORDINANCE OF THE CITY OF CARSON, CALIFORNIA, AMENDING THE CARSON MUNICIPAL CODE TO ALLOW FOR AUTOMOTIVE AND EQUIPMENT AUCTIONS AS A PRIMARY USE FOR THOSE PROPERTIES FRONTING AVALON BOULEVARD AND LOCATED WITHIN THE CA (COMMERCIAL, AUTOMOTIVE) ZONE WITH AN APPROVED CONDITIONAL USE PERMIT

THE CITY COUNCIL OF THE CITY OF CARSON DOES ORDAIN AS FOLLOWS:

Section 1. Code Amendment. Section 9131.1 of Division 1 (Uses Permitted) of Part 3 (Commercial Zones) of Chapter 1 (Zoning) of Article IX (Planning and Zoning) of the Carson Municipal Code is hereby amended by modifying only the following line entry by adding the underlined text and deleting the stricken text with all other text in the line entry and the section remaining unchanged, as follows:

"ZONES

CN CR CG CA MU-CS MU-SB

L L C

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

Section 2. Code Amendment. Section 9133 (Conditional Use Criteria) of Division 3 (Conditional Use Criteria) of Part 3 (Commercial Zones) of Chapter 1 (Zoning) of Article IX (Planning and Zoning) of the Carson Municipal Code is hereby amended by adding a new entry at the end of the section to read as follows:

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

Ability to comply with CMC 9138.15 and 9138.2.

Lawfully established automotive and equipment auctions in the CA zone shall cease operations and discontinue business on or before July 1, 2017. After that date, no new auctions are permitted in the CA zone."

Section 3. Code Amendment. Section 9138.15(C)(3) of Part 3 (Commercial Zones) of Chapter 1 (Zoning) of Article IX (Planning and Zoning) of the Carson Municipal Code is hereby amended by adding the following underlined text with all other text in the section remaining unchanged as follows:

"3. Conditional Uses. The following uses are permitted only after a valid conditional use permit (CUP) has been approved by the City:

[MORE]

- a. Auto body, paint and/or upholstery shops as an integral but secondary part of operating a new automobile franchise; see CMC 9138.2.
- b. Restaurants, including drive-thrus, cafes, dinner houses, or establishments offering food for in-house or take-out consumption.
- c. Automobile service stations; see CMC 9138.12.
- d. Transmitters, receivers and repeater stations (cell towers/monopoles).
- e. Sales of used automobiles, recreation vehicles, and trucks not over two (2) ton capacity, as a primary use; see CMC 9133.
- f. Minor and major repair and service as a primary use located on properties fronting Avalon Boulevard and within the CA zone; see CMC 9138.2.
 - 1. Lawfully established automotive repair facilities on property fronting Avalon Boulevard shall discontinue operations on or before July 1, 2017.
- g. Automotive and equipment auction as a primary use located on properties fronting Avalon Boulevard and within the CA zone; see Section 9138.21.
 - 1. Lawfully established automotive and equipment auctions on property fronting Avalon Boulevard shall discontinue operations on or before July 1, 2017.

Section 4. Code Amendment. Section 9138.21 of Division 8 (Special Requirements for Certain Uses) of Part 3 (Commercial Zones) of Chapter 1 (Zoning) of Article IX (Planning and Zoning) of the Carson Municipal Code is hereby amended by adding the following text at the end of the section to read as follows:

“7. In the CA zone, automotive and equipment auctions are only permitted on property fronting Avalon Boulevard with an approved conditional use permit. Lawfully established automotive and equipment auctions in the CA zone shall cease operations and discontinue business on or before July 1, 2017. After that date, no new auctions are permitted in the CA zone.”

Section 5. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance or any part thereof is for any reason held to be unconstitutional or contrary to state law, such decision shall not affect the validity of the remaining portion of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsection, subdivision, paragraph, sentence, clause or phrase be declared unconstitutional or contrary to state law.

PASSED, APPROVED and ADOPTED this ___th day of _____, 2011.

Mayor Jim Dear

[MORE]

ATTEST:

City Clerk Helen S. Kawagoe

APPROVED AS TO FORM:

City Attorney