



# 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. 213<sup>th</sup> Street

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### COMMISSION ACTION

☐ Concurred with staff

☐ Did not concur with staff

☐ Other

### COMMISSIONERS' VOTE

AYE	NO		AYE	NO	
		Chairman Faletogo			Saenz
		Vice-Chair Gordon			Schaefer
		Brimmer			Verrett
		Diaz			Williams
		Goolsby			

## I. Introduction

*Date Application Received:* August 2, 2011

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

*Property Owner*

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

*Project Applicant*

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

*Project Address*

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

*Project Description*

- Ken Porter Auctions (KPA) was established in 1962, and offers vehicle auctions every two weeks. During the two weeks prior to the auction date, vehicles are brought in by KPA's fleet of multiple car haulers, flatbeds from cities, counties, agencies and clients in southern California. The vehicles are cleaned, photographed and listed on the <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. 213<sup>th</sup> Street behind the Arco Gas Station.

## II. **Background**

### *Former Use of Property*

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

### *Current Use*

- The properties are vacant.

### *Previously Approved Discretionary Permits*

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

### *Public Safety Issues*

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

## III. **Analysis**

### **Location/Site Characteristics/Existing Development**

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

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

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

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

***Zoning/General Plan/Redevelopment Area Designation***

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

***Applicable Zoning Ordinance Regulations***

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

***Required Findings: Conditional Use Permit***

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

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

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

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

#### Ordinance Amendment

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

#### *Ordinance Amendment and Related Text Changes*

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

#### ZONES

CN CR CG CA MU-CS MU-SB

L L C

Auctions for used automobiles, recreational vehicles, travel trailers, trucks or trailers, ~~not over 2-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. 213<sup>th</sup> Street.”

## **V. Exhibits**

1. Resolution
2. Proposed Ordinance Amendment
3. Development plans
4. Excerpts of the CMC, including Sections 9131.1, 9133, and 9138.21
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-Loadman, Planning Officer

Planning Commission Staff Report  
Ordinance Amendment No. 10-11, CUP No. 881-11  
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# Key to Simple Use Matrix

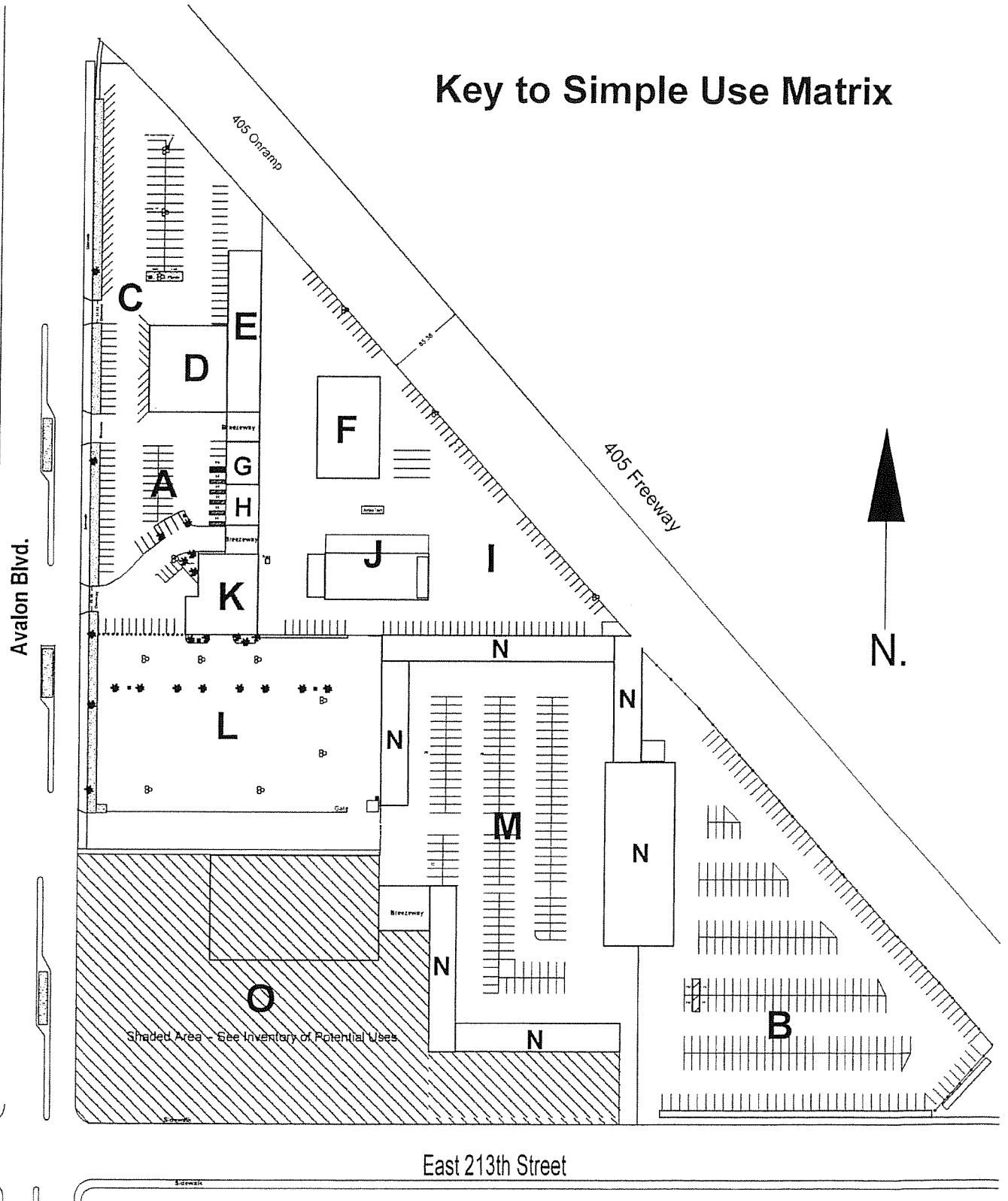


EXHIBIT NO. 4

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. 213<sup>TH</sup> 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. 213<sup>th</sup> Street, and described in Exhibit "A" attached hereto, requesting the approval of an Ordinance Amendment to Sections 9131.1, 9133, 9138.15 and 9138.21 of the Carson Municipal Code (CMC) to allow automotive and equipment auctions as a primary use in the CA (Commercial, Automotive) zoning district. The conditional use permit to operate an automotive and equipment auction at the properties described above is contingent upon approval of the Ordinance Amendment.

A public hearing was duly held on October 11, 2011, at 6:30 P.M. at City Hall, Council Chambers, 701 East Carson Street, Carson, California. A notice of time, place and purpose of the aforesaid meeting was duly given.

**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 11<sup>th</sup> DAY OF OCTOBER, 2011.**

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**CHAIRMAN**

**ATTEST:**

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**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 213<sup>th</sup> 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 213<sup>th</sup> 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 213<sup>th</sup> 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 24<sup>th</sup> DAY OF MAY, 2011.**

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**CHAIRMAN**

**ATTEST:**

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**SECRETARY**