



CITY OF CARSON

Legislation Text

File #: 2017-076, Version: 1

Report to Mayor and City Council

Tuesday, February 07, 2017

Special Orders of the Day

SUBJECT:

A PUBLIC HEARING TO CONSIDER APPEAL OF PLANNING COMMISSION DECISION TO APPROVE CONDITIONAL USE PERMIT APPLICATION NO. 1016-16 FOR THE CONTINUATION OF THE KEN PORTER AUCTION USE UNTIL DECEMBER 31, 2019 FOR PROPERTY LOCATED AT 21126, 21140, 21212 S. AVALON BOULEVARD AND 640 E. 213TH STREET (CITY COUNCIL)

I. SUMMARY

On December 27, 2016, Mayor Albert Robles, filed an “Administrative Appeal” pursuant to Section 9173.4 of the Carson Municipal Code, Exhibit No. 1, appealing the Planning Commission’s decision to approve Conditional Use Permit No. 1016-16 to extend operations of Ken Porter Auctions for three years to December 31, 2019, Exhibit No. 20. Originally, Conditional Use Permit No. 881-11 authorized this use until December 31, 2016, Exhibit No. 3.

The Mayor’s appeal cited that continuing and expanding the present use(s) past December 31, 2016, i.e., an ad hoc storage/junk yard for used cars, trucks, vehicles, etc. for auction, display and/or prepping is inconsistent and/or nonconforming with (i) the current Conditional Use Permit No. 881-11 and/or (ii) the future development plans for this area such that the proposed use and development will be incompatible with the intended character of the area and the continued operations of such unsightly ad hoc storage/junk yards will only delay new developments. Upon direction from the City Council, staff will bring back a resolution for City Council’s consideration on February 21, 2017.

II. RECOMMENDATION

TAKE the following actions:

1. OPEN the Public Hearing, TAKE public testimony, CLOSE the Public Hearing.
2. TAKE the one of the following actions:

- A. Affirm the Planning Commission decision;
- B. Reverse the Planning Commission decision;
- C. Modify the Planning Commission's decision; or
- D. Refer back to the Planning Commission.

III. ALTERNATIVES

TAKE such other action the City Council deems appropriate that is consistent with the requirements of law.

IV. BACKGROUND

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, Exhibits 4 and 5. 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.

Therefore, the applicant has filed this new 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.

About Ken Porter Auctions

Ken Porter Auctions (KPA) was established in 1962, and auctions vehicle, equipment, furniture, and other surplus items every two weeks. During the two weeks prior to the auction date, the auction items are brought in by KPA's fleet of multiple car haulers, flatbeds from cities, counties, agencies and clients in southern California. The auction items are photographed and listed on the <http://Kenporterauctions.com> website. Vehicles vary from high end, low mileage, studio executive hybrids, SUV's, sedans, agency work trucks, to non-operational vehicles. Equipment sometimes includes construction and farm equipment. On auction day KPA expects 200 to 300 buyers to bid at the auction.

Future Use of the Site

The proposed CUP is extends the present use 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 mixed use development. Approval of these uses will require approval of General Plan Amendment and most likely a Specific Plan and EIR. Staff estimates this approval process to take approximately 12-18 months. In addition, the construction plans need to be prepared and plan checked which could take an additional 12-18 months for a total of 2-3 years. For example, the Union Southbay project was filed on October 31, 2014 and approved by the City Council on June 3, 2015. After over two years, the applicant is still waiting for final clearances to start the construction of the project.

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. 6, Area B. This unsightly outside storage is required to be removed within 48 hours of the effective date 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. These objects will be moved inside of buildings or areas not readily visible from the street.

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. 7. The City's Public Works street tree planting and maintenance staff along with City's landscape consultant have reviewed and provided comments on the landscape plans that will be included in the final design.

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, refer to Exhibit No.1. 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 and from the adjacent residential neighborhoods. Staff has conditioned the project to remove

this sign within 180 days unless it is completely redesigned to look like a new sign.

Required Bonds

To ensure compliance with the conditions of approval, staff has required the property owner to post a \$100,000 bond as follows:

- 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.

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 (on the west side of Avalon adjacent to the freeway). This site has been most recently used by Sonic Automotive to store Honda vehicles. All cars have recently been removed from this site. Staff considered this blighted site and reached an agreement with the property owner 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 has vacated their offices from this site. Car Pros Kia currently stores vehicles on this site until their lease runs out by end of February. The dealership may decide to temporarily extend their lease after the expiration. The property owner envisions the property to be developed as a mixed use project.

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 an overflow parking lot for the auction facility. The property owner envisions the property to be developed as a residential development.

Special Conditions of Approval:

Planning Commission recommended the following special Conditions of Approval to implement the discussions above;

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. Thirty days from the effective date, the applicant shall submit construction level landscape and irrigation plans to the Planning Division for review and approval by the Planning Manager.
15. Sixty days from the effective date, the landscaping on the approved landscape plans shall be installed.
16. Seven days after the effective date, 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 from the effective date.
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 thirty days from the effective date. This demolition plan shall show removal of the building, the freestanding pole structure, and all related improvements located at 21101 Avalon Boulevard.
 - a. The applicant shall remove the digital sign at the south end of the property within 180 days from the effective date of approval unless the applicant obtains approval of a tenant that requires a freeway oriented sign, in this case, the sign shall be refurbished to the satisfaction of the Planning Manager and the sign shall be removed when the CUP is null and void.
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.

Photographs of the Site

Staff has included photos of site in the staff report, refer to Exhibit No. 8.

V. FISCAL IMPACT

None.

VI. EXHIBITS

1. December 27, 2016, Appeal Memorandum (pg. 8)
2. Planning Commission Staff Report of December 13, 2016 (pgs. 9-27)
3. Planning Commission Staff Report for Conditional Use Permit No. 881-11 of October 11, 2011 (pgs. 28-41)
4. Ordinance No. 16-1578U (pgs. 42-49)
5. Resolution No. 16-139 (pgs. 50-53)
6. Key to Simple Use Matrix (Site Plan) (pgs. 54-55)
7. Landscape Plans for Avalon Boulevard/213th Street (pgs. 56-57)
8. Photos of small/large equipment storage at the Ken Porter Auction operations (pgs. 58-71)

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