



## Legislation Text

File #: 2017-133, Version: 1

### Report to Mayor and City Council

Tuesday, March 07, 2017

Consent

#### SUBJECT:

**CONSIDER RESOLUTION NO. 17-028 REVERSING PLANNING COMMISSION'S DECISION TO APPROVE CONDITIONAL USE PERMIT APPLICATION NO. 1016-16 FOR THE CONTINUATION OF THE KEN PORTER AUTO AND EQUIPMENT AUCTION USE UNTIL DECEMBER 31, 2019 AT 21126 , 21140, 21212 S AVALON BOULEVARD AND 640 EAST 213TH STREET (CITY COUNCIL)**

#### **I. SUMMARY**

On February 7, 2017, the City Council held a public hearing to consider the appeal filed by Mayor Albert Robles of the Planning Commission's decision to grant Conditional Use Permit Application No. 1016-16, took public testimony, and closed the public hearing. After deliberation, the City Council reversed 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. At that time, the City Council directed staff to draft a resolution with appropriate findings for this reversal for City Council's adoption on March 7, 2017 (Exhibit No. 1).

#### **II. RECOMMENDATION**

WAIVE further reading and ADOPT Resolution No. 17-028, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARSON REVERSING PLANNING COMMISSION'S DECISION TO APPROVE CONDITIONAL USE PERMIT APPLICATION NO. 1016-16 FOR THE CONTINUATION OF THE KEN PORTER AUTO AND EQUIPMENT AUCTION USE UNTIL DECEMBER 31, 2019 AT 21126, 21140, 21212 S AVALON BOULEVARD AND 640 EAST 213<sup>TH</sup> STREET"

#### **III. ALTERNATIVES**

None.

#### **IV. BACKGROUND**

On October 11, 2011, the Planning Commission approved Conditional Use Permit No. 881-11 to operate Ken Porter Auctions and all its associated businesses on a temporary basis. Conditional Use Permit No. 881-11 expired on December 31, 2016. 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 filed Conditional Use Permit Application No. 1016-16 to request re-establishment of this expired use.

On December 27, 2016, Mayor Albert Robles, filed an administrative appeal pursuant to Section 9173.4 of the Carson Municipal Code, appealing the Planning Commission's December 13, 2016 decision to approve Conditional Use Permit No. 1016-16 to extend operations of Ken Porter Auctions for three years to December 31, 2019 at 21126, 21140, 21212 S Avalon Boulevard and 640 East 213th Street (the Property).

In relevant part, Section 9172.21(D)(1) of the City of Carson Zoning Ordinance mandates that a Conditional Use Permit shall only be granted if the Planning Commission (and City Council in the event of an appeal) finds all the following to be true: "e. The proposed use and development will be compatible with the intended character of the area."

Additionally:

If the Commission finds that any adverse effects will occur as a result of the proposed use and development, such effects must be found to be justified by the benefits to the public interest which will occur as a result of such use and development.

If the Commission does not make affirmative findings with respect to the above criteria and is unable to impose conditions to mitigate any adverse finding, the Commission shall disapprove a Conditional Use Permit.

At the February 7, 2017, City Council meeting, the Mayor and the City Council found that the Property has been, and continues to be, an eyesore, and is the only junk yard left in the City. Furthermore, the Property is very visible from the Avalon Boulevard on-ramp to the 405 freeway, a highly-trafficked access to the City for residents, visitors, and businesses. A property in such blighted conditions is aesthetically displeasing and also presents a poor image of the City. The City Council further found that the Property lacked the required landscaping.

Lacking confidence that the Property would be cleaned up and that landscaping would be appropriately installed, and based on the uncertainty regarding future development of the Property, the Council could not make the necessary findings to uphold the Planning Commission's decision to grant the CUP.

Based on the Council's factual findings, the unsightly junk yard at a major access point of the six planning areas that are subject to the City's Vision Plan is inconsistent with the anticipated development of the area; and the continued operation of the current uses at the

Property adversely impacts the public health, safety and welfare, and that such effects are not justified by any discernible public benefits that will occur as a result of the proposed continued use.

The Council directed staff to prepare a resolution of denial of CUP No. 1016-16.

**V. FISCAL IMPACT**

None.

**VI. EXHIBITS**

1. Resolution No. 17-028. (pgs. 4-8)

- 1.

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