



City of Carson

Report to Mayor and City Council

May 9, 2011
Special Orders of the Day

SUBJECT: PUBLIC HEARING TO CONSIDER RESOLUTION NO. 11-057 AFFIRMING THE PLANNING COMMISSION'S DECISION TO DENY CONDITIONAL USE PERMIT NOS. 803-10, 804-10, 811-10, 812-10, 814-10, 815-10, 816-10, 817-10, 818-10, AND 828-10 FOR TEN (10) EXISTING AUTO REPAIR FACILITIES LOCATED AT 336-348 E. CARSON STREET


Submitted by Clifford W. Graves
Economic Development General Manager


Approved by Clifford W. Graves
Interim City Manager

I. SUMMARY

On February 22, 2011, the Planning Commission adopted Resolution No. 11-2380, denying Conditional Use Permit (CUP) Nos. 803-10, 804-10, 811-10, 812-10, 814-10, 815-10, 816-10, 817-10, 818-10, and 828-10 for ten (10) existing auto repair facilities located in multi-tenant, single-story buildings at 336-348 E. Carson Street (Exhibit No. 1). On March 8, 2011, an appeal of the Planning Commission decision to deny the ten CUP applications was filed by the property owner, Botach Management (Exhibit No. 2).

II. RECOMMENDATION

TAKE the following actions:

1. OPEN the Public Hearing, TAKE public testimony and CLOSE the Public Hearing.
2. WAIVE further reading and ADOPT Resolution No. 11-057, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, AFFIRMING THE DECISION OF THE PLANNING COMMISSION TO DENY CONDITIONAL USE PERMIT REQUESTS NOS. 803-10, 804-10, 811-10, 812-10, 814-10, 815-10, 816-10, 817-10, 818-10, 828-10 FOR TEN (10) EXISTING AUTO REPAIR FACILITIES LOCATED AT 336-348 E. CARSON STREET."

III. ALTERNATIVES

1. REVERSE the decision of the Planning Commission.
2. REFER the item back to Planning Commission for reconsideration.
3. TAKE another action the City Council deems appropriate.

IV. BACKGROUND

An appeal of the Planning Commission decision to deny the ten CUP applications was filed by the property owner, Botach Management, on March 8, 2011, pursuant

to Section 9173.4 of the Carson Municipal Code (CMC) (Exhibit No. 3). However, the correct appeal fee was not paid at the time of appeal submittal. The City Clerk notified the appellant, who then submitted proper payment on March 17, 2011 (Exhibit No. 4). A public hearing was posted on the subject site and proper notification given to property owners within 500 feet of the subject property, pursuant to CMC Section 9173.22 (Exhibit No. 5).

The grounds for the appeal suggest various errors and omissions the appellant claims were committed by Planning staff in accepting and processing incomplete CUP applications. Contrary to the explicit requirements of Ordinance No. 04-1322 (Exhibit No. 6), the applicant also believes that the city can not require existing auto repair businesses to obtain a conditional use permit (CUP). In essence, staff believes that the appeal lacks substance, confirms the inadequacy of the 10 CUP applications and reflects the applicant's misunderstanding of the CUP process.

Permit Requirement

On October 5, 2004, the City Council passed Ordinance No. 04-1322, which requires a CUP for any auto repair use located within one hundred (100) feet of a residential zone or within the CR (Commercial, Regional) zoning district. The ten existing auto repair businesses under consideration for a CUP are all within the MU-CS zone and adjacent to a residential zone. The property management company, property owner, and all tenants were informed of the CUP requirement by mail in August 2005 and January 2009. The deadline for submitting CUP applications was November 1, 2009. There were no CUP applications submitted for the subject property by the deadline. Code enforcement cited the property owner and tenants for not complying with the requirement to obtain a CUP to authorize continued operations of the auto repair uses.

Application Acceptance

In late April 2010, CUP applications were received from all auto repair tenants currently occupying the site with valid business licenses. The applications were incomplete but the Planning Division accepted them as a good will gesture to preserve the tenants' opportunity to work with the property owner to submit the missing requirements. Each tenant was advised of incompleteness at the time of application submittal and encouraged to work collectively in addressing the missing items.

Application Processing

A status of application letter sent to the applicants in August 2010 identified missing application materials, including but not limited to, elevation plans, a title report, and the inspection report for building conditions required by Section 9138.2 of the CMC.

The applicants were given 90 days to produce the necessary information to continue processing of the applications. No information was submitted prior to the November 18, 2010, deadline for submittal.

A follow-up letter was sent January 11, 2011, indicating that the application remained incomplete due to failure to submit the requisite information. The applicants were advised of a tentative Planning Commission public hearing date at which time the applications would be considered and recommended for denial. Staff invited the applicants and property owner to attend a meeting to discuss ways in which the project site could possibly be brought into compliance with applicable zoning codes in order to gain a favorable recommendation.

The meeting occurred on January 26, 2011, with the applicants and the property owner in attendance. Various issues were discussed at the meeting, including ways in which the property owner could improve the overall aesthetics of the property by installing new roll-up doors, fixing broken windows, repairing cracked walls, splintered wood, broken concrete, failed asphalt, repaint, add architectural trim, re-roof, and patch holes in interior walls and ceilings, upgrade electrical and plumbing systems. Tenants were reminded of their responsibility to maintain a clean area for customers, including interior office areas, parking areas, trash areas, and basic maintenance of their tenant spaces. The property owner was reminded of the need for a building inspection report and that the new auto repair businesses could not occupy the empty tenant spaces, and that only the tenants who had submitted CUP applications would be considered to possibly stay.

Planning Commission Public Hearing

On February 22, 2011, the Planning Commission conducted the public hearing to consider all ten CUP applications (Exhibit No. 7). Questions were raised by the Commission as to why this property has continued to be in violation for many years. Staff explained that this property is a good example of why the auto repair CUP process was necessary, noting that each application could be considered on a case-by-case basis, and added that it is not staff's intent to displace businesses.

Certain tenants stated that it is very difficult to get in touch with the property owner and noted that the landlord is not providing them with any assistance or helping to keep them in business at this location.

A Catskill Avenue resident, whose property is adjacent to the subject property stated that for the last 13 years he has lived on this street, the operations from this property have created a nuisance, advising that he can smell paint fumes and hear loud music and air tools at all hours of the day and night. He added that music plays at 3:00 A.M. and that empty bottles were thrown onto his driveway. He mentioned that he has complained to the Sheriff's Department on several occasions.

The motion to deny was approved 5-1, with one abstaining, and two absent. Planning Commission Resolution No. 11-2380 denying all ten CUP requests was thereby adopted (Exhibit No. 8).

Appeal

Numerous meetings between staff and the appellant have taken place since the appeal was submitted. The appellant has expressed a desire to retain the auto repair businesses onsite and implement a plan to rehabilitate the property to the satisfaction of the city. As of the writing of this report, the appellant has failed to provide additional information or a plan demonstrating responsible management of the auto repair businesses.

Past performance has shown that this appellant and property owner provides only the minimal level of management with the primary focus on rent collection. There has been repeated serious code enforcement violations associated with the auto repair businesses. Staff has consistently advised that the tenants need to be monitored so that inappropriate auto repair businesses are removed. There is no evidence that the management has the capability to monitor the property to minimize code enforcement issues associated with auto repair businesses. The continued operation of auto repair businesses at the subject property is inconsistent with the General Plan and goals and objectives for the Carson Street Corridor.

V. FISCAL IMPACT

The existing auto repair businesses do not significantly contribute to sales tax generation.

VI. EXHIBITS

1. Planning Commission Staff Report and Disposition Dated February 22, 2011. (pgs. 6-13)
2. Statement of Appeal Dated March 7, 2011. (pgs. 14-15)
3. Section 9173.4 of the Carson Municipal Code. (pgs. 16-17)
4. Receipt for Appeal Fee Payment Dated March 17, 2011. (pg. 18)
5. Section 9173.22 of the Carson Municipal Code. (pgs. 19-20)
6. Ordinance No. 04-1322. (pgs. 21-28)
7. Excerpt of Planning Commission Minutes of February 22, 2011. (pgs. 29-30)
8. Planning Commission Resolution No. 11-2380. (pgs. 31-33)
9. Draft Resolution No. 11-057. (pgs. 34-38)

Prepared by: Steven Newberg, AICP, Associate Planner

TO:Rev010511

Reviewed by:

City Clerk	<u>City Treasurer</u>
<u>Administrative Services</u>	<u>Development Services</u>
<u>Economic Development Services</u>	<u>Public Services</u>

Action taken by City Council

Date_____ Action_____



CITY OF CARSON

PLANNING COMMISSION STAFF REPORT

PUBLIC HEARING:

February 22, 2011

SUBJECT:

Conditional Use Permit No. 803-04; Conditional Use Permit No. 804-10; Conditional Use Permit No. 811-10; Conditional Use Permit No. 812-10; Conditional Use Permit No. 814-10; Conditional Use Permit No. 815-10; Conditional Use Permit No. 816-10; Conditional Use Permit No. 817-10; Conditional Use Permit No. 818-10; Conditional Use Permit No. 828-10

APPLICANT REPRESENTATIVE:
/PROPERTY OWNER:

Botach Management
5011 W. Pico Boulevard
Los Angeles, CA 90019

REQUEST:

To approve ten (10) individual existing, non-conforming auto repair uses located on the subject property and within the MU-CS (Mixed Use – Carson Street) zone and the Carson Consolidated Redevelopment Project Area.

PROPERTY INVOLVED:

336-348 E. Carson Street

Commissioner Goolsby moved, seconded by Commissioner Saenz, to concur with staff recommendation, allowing from three to six months for the tenants to vacate this property; and adopted Resolution No. 11-2380. Motion carried, as follows:

☒ Concurred with staff

☐ Did not concur with staff

☐ Other

AYES: Faletogo, Goolsby, Gordon, Park, Saenz ,
NOES: Diaz
ABSTAIN: Schaefer
ABSENT: Brimmer, Verrett

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

Item No. 111

EXHIBIT NO. - 1



I. Introduction

The applicant representative and property owner, Shlomo Botach (Botach Management), on behalf of Tonny's Auto Repair, Romeo Auto Repair, Rene's Auto Body, Garcia Auto Body, Aquino's Auto Repair, Perfection Auto Repair, Garcia Auto Repair, Eclipse Auto Body, RB Auto Electric, and Maison Europe is requesting approval for the following existing auto repair and service businesses:

- Conditional Use Permit No. 803-10: Tonny's Auto Repair (Luis Sandoval), an existing auto repair facility conducting general automotive repairs, located at 336 E. Carson Street Unit C, and 348 E. Carson Street Unit B, in business since October, 2006;
- Conditional Use Permit No. 804-10: Garcia Auto Body (Isidro Duarte), an existing auto repair facility conducting general automotive repairs, located at 340 E. Carson Street Unit A since December, 1999;
- Conditional Use Permit No. 811-10: Perfection Auto Repair (Oscar Macias), an existing auto repair facility conducting general automotive repairs, located at 342 E. Carson Street Unit B since November, 2008;
- Conditional Use Permit No. 812-10: Romeo Auto Repair (Romeo Balboa), an existing auto repair facility conducting general automotive repairs, located at 336 E. Carson Street Unit D and E since August, 1995;
- Conditional Use Permit No. 814-10: RB Auto Repair (Ramiro Bermudez), an existing auto repair facility specializing in automotive electrical repairs, located at 346 E. Carson Street Unit C since February, 1999;
- Conditional Use Permit No. 815-10: Aquino's Auto Repair (Vincente Aquino), an existing auto repair facility conducting general automotive repairs, located at 340 E. Carson Street Unit B, and 344 E. Carson Street Unit G since November, 2006;
- Conditional Use Permit No. 816-10: Maison Europe (Krikor Bijakjian), an existing auto repair facility specializing in European imported vehicle repair, located at 348 E. Carson Street Unit D and E since February, 1995;
- Conditional Use Permit No. 817-10: Eclipse Auto Body (Juan Garcia), an existing auto repair facility specializing in auto body repair, located at 346 E Carson Street Unit A and B since January, 2006;
- Conditional Use Permit No. 818-10: Rene's Auto Body (Rene Tacuri), an existing auto repair facility specializing in auto body repair, located at 338 E. Carson Street Unit B since November, 1997;
- Conditional Use Permit No. 828-10: Garcia Auto Repair (Tomas Garcia), an existing auto repair facility conducting general automotive repairs, located at 342 E. Carson Street Unit C since March, 2005.

Each auto repair business leases a separate tenant space, or spaces, from the property owner, Shlomo Botach.



The property is comprised of a single parcel approximately 2.07 acres in size and is occupied by three multi-tenant commercial buildings constructed in 1963 and 1975. The parcel is essentially a flat, narrow, deep, and rectangular parcel that measures 135 feet in width by 695 feet in depth. The buildings occupy space on the east and west edges of the property with an open space parking area between them. They are essentially symmetrical, long, narrow single-story structures each approximately 20,000 square feet and 18,500 square feet in size. The reason for one building being smaller than the other is because one of them was split at about 2/3 of its length to provide an approximately 1,500-square-foot trash and recycling area and one parking space. There is a total of 33 individual tenant spaces, the vast majority identified by a manual lift-up, metal, grade-level access door. Some of the tenants occupy multiple spaces, including some not contiguous.

The subject property is zoned MU-CS (Mixed Use – Carson Street), has a General Plan land use designation of Mixed Use - Residential and is within the Carson Consolidated Redevelopment Project Area.

Adjacent to the west side of the subject property is a restaurant use and legal, non-conforming multi-family residential development. To the east is an insurance office converted from a residence originally constructed in 1949. To the south along the subject property's east and south property lines is single-family residential development. Across Carson Street to the north is a high-density senior living and community care residential complex.

II. **Background**

Portions of the existing structures on the subject property were constructed in 1963 before city incorporation. At the time of construction, the property was primarily zoned M-1, a Los Angeles County designation for light manufacturing, with the southern areas zoned B-1 (Buffer Strip) and A-1 (Light Agricultural).

Previously Approved Permits

- Plot Plan No. 12488: Approved by Los Angeles County Regional Planning Commission in 1963 for the construction of the two 6,025-square-foot structures. These represent approximately the northern 1/3 of the existing structures currently on the property.
- Zone Exception Case (ZEC) No. 7070: Approved by Los Angeles County Regional Planning Commission in 1965 for the change of the B1 (Buffer) and A1 (Light Agriculture) zones to C-3, a wholesale commercial designation allowing wholesale goods storage with auxiliary retail sales and office uses fronting Carson Street.
- Zone Exception Case (ZEC) No. 45-70: Approved by Carson Planning Commission in November, 1970 to allow light industrial uses to continue in the C-1 (Restricted Business) and R-1 (Single-family Residence) zones for a period of 10 years, until November 10, 1980.
- REVISED Plot Plan No. 12488: Approved by Carson Planning Division in 1975 which increased the site and building areas to their current sizes.



- Modification to Zone Exception Case (ZEC) No. 45-70: Approved by the Planning Commission in January, 1982, extending the expiration date of the legal, non-conforming industrial uses within a residential zone until November 19, 1990. There is information in the planning address files for the subject property which indicate that there was intention to move forward with a public hearing in late 1990 to possibly extend the legal, non-conforming expiration deadline. However, there was never a public hearing regarding such request and therefore, the legal, non-conforming industrial uses on the subject property at that time were removed.

Previously Uses on the Subject Property

Business license records for the subject property indicate a transformation of uses over time beginning with light industrial in the late 1960's to wholesale commercial and retail throughout the 1970's and 80's, commercial service, retail supply uses, and some auto repair uses in the 1990's, and primarily auto repair uses throughout the last decade to present. Of the 15 out of 33 tenant spaces currently occupied, all of them are auto repair-related. The current occupancy rate is 45 per cent.

Previously Proposed Uses on the Subject Property

In 1999, Botach Management submitted a proposal to the Planning Division (Exhibit No. 3) to convert the existing buildings into a self-storage business comprised of a retail/office rental space along the Carson Street frontage and a commercial self-storage facility in the rear. In this letter, the owner acknowledges that for several years prior to submitting the proposal the subject property had been the focus of various code enforcement activities associated with (then) current uses on the site. Staff responded to the proposal with tentative support for the project provided the applicant obtained approval of a zone change for the property, noting that a self-storage use was not permitted in the CG zone in place at the time. An application for a zone change was never submitted. Currently, the zone is MU-CS which does not allow self-storage uses. The focus on Carson Street now is on the development of a pedestrian-friendly, mixed-use commercial and high-density residential corridor.

In 2004, Mr. Botach submitted a proposal to remove the auto repair businesses and rehabilitate the façade of the structures and convert them into an open air bazaar-type marketplace. This preliminary plan never resulted in a formal application submittal.

History of Code Enforcement Actions on the Subject Property

Information available in the planning files indicates a long history of code enforcement actions taken against the property owner and businesses occupying the property dating back to at least 1983. The code violation reports, notices to comply, and misdemeanor complaints filed in County of Los Angeles courts center around dilapidated property conditions, failure to maintain basic zoning requirements related to parking, landscaping, and signage, illegal discharge or run off of contaminants into the public storm drain system and deferred maintenance issues, including but not limited to painting, windows and asphalt repair.



Past code enforcement issues have also involved the Los Angeles County Fire and Sheriff Department's for compliance and safety issues, with the latest multi-agency task force inspection occurring in 2006. As a result of these more intensive inspections, minimal improvements were made to the property to address basic compliance with the fire safety code as it relates to fire personnel access to the site, protective bollard placement, fire lane striping in the parking lot, and hazardous material storage (oil, petroleum-based products, etc.) within the tenant spaces.

Auto Repair Ordinance and Application Review

On October 5, 2004, the Carson City Council passed Ordinance No. 04-1322, which requires a conditional use permit (CUP) for any auto repair use located within one-hundred (100) feet of a residential zone or within the CR (Commercial, Regional) zoning district. The ten existing auto repair businesses under consideration for a CUP are all within the MU-CS zone. The property management company, property owner, and all tenants were informed of the CUP requirement by mail in August, 2005, and January, 2009. The deadline for submitting CUP applications was November 1, 2009. There were no CUP applications submitted for the subject property by the deadline. Code enforcement cited the property owner and tenants in for not complying with the requirement to obtain a CUP to authorize continued operations of the auto repair uses. The tenants were given 30 days to comply.

In late April, 2010 just before the code enforcement deadline, CUP applications were received from all auto repair tenants currently occupying the site with valid business licenses. The applications were not complete but the Planning Division accepted them as a good will gesture to preserve the tenants' opportunity to work with the property owner to submit the missing requirements. Each tenant was advised of incompleteness at the time of application submittal and encouraged to work collectively in addressing the missing items.

A status of application letter sent to the applicants in August, 2010, deemed the applications incomplete. Required application materials were noted in the letter, including elevation plans, a title report, and the inspection report required by Section 9138.2 of the CMC. The applicants were given 90 days to produce the necessary information to continue processing of the applications. No information was submitted prior to the November 18, 2010 deadline for submittal.

A follow-up letter was sent January 11, 2011 indicating that the application remained incomplete due to failure to submit the requisite information requested in the status of application letter. The applicants were advised of tentative date for Planning Commission public hearing and staff invited the applicants and property owner to attend a meeting to discuss ways in which the project site could possibly be brought into compliance with applicable zoning codes.

The meeting occurred on January 26, 2011 at City Hall, Executive Conference Room. All of the applicants and the property owner were in attendance, including staff from the Planning Division and Code Enforcement Division. Various issues were discussed at the meeting, including ways in which the property owner could improve the overall aesthetics of the property by installing new roll-up doors, fixing broken windows, repairing cracked walls, splintered wood, broken concrete, failed



asphalt, repaint, add architectural trim, re-roof, and patch holes in interior walls and ceilings, upgrade electrical and plumbing systems. Tenants were reminded of their responsibility to maintain a clean area for customers, including interior office areas, parking areas, trash areas, and basic maintenance of their tenant spaces. The property owner was reminded that the new auto repair businesses could not occupy the empty tenant spaces, and that only the tenants who had submitted CUP applications would be considered to possibly stay if the Planning Commission approved their CUP requests.

The meeting ended with an agreement that the property owner would provide at least the inspection report for all buildings on the property prior to the Planning Commission public hearing staff report preparation deadline of February 17, 2011. To date, staff has not had contact from any of the applicants. If anything is submitted prior to the Planning Commission hearing, it was agreed that it would be presented to the Planning Commission for review and consideration.

III. Analysis

Conditional Use Permit Nos. 803-10, 804-10, 811-10, 812-10, 814-10, 815-10, 816-10, 817-10, 818-10, 828-10 (Auto Repair)

Pursuant to Section 9172.21(D), Conditional Use Permit, the Planning Commission may approve the CUP requests 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) cannot be made in the affirmative. Specifically, the continued use of the auto repair businesses is in conflict with the General Plan, Carson Street Master Plan and the MU-CS zone district, which promotes a "pedestrian friendly" mixed use environment. The goals also promote the creation of a beautiful, vibrant, "main street" that reflects the community vision and embodies the identity of the city of Carson. The existing buildings on the subject property were constructed at a time when development standards designed to implement the current vision for Carson Street were not in place.

As a result, there is minimal setback from Carson Street, inadequate landscaping, and outdated architecture. These non-conforming conditions have been exacerbated by decades of deferred maintenance and general neglect of the property. The property does not provide any landscape area and is severely deficient in meeting design standards associated with newer development. The cumulative effect of persistent zoning code violations, deferred maintenance, and non-conforming



development standards, have contributed to what is currently an unsightly appearance. The auto repair uses intensify an already blighting effect caused by the unsightly appearance and poor maintenance standards associated with the buildings, grounds, and signage.

The property is significantly deficient in meeting the required minimum number of vehicular parking spaces for the existing buildings and uses at the site. Existing parking spaces do not meet the minimum design standards of the CMC. Unauthorized areas are utilized for parking. The orientation of parking causes potential safety conflict with pedestrians and motorists. Tenant routinely allow vehicles to park in the required fire lanes.

In addition, the property owner has continuously failed to provide adequate property management to ensure that the tenants are operating in compliance with regulatory requirements. There have been repeated violations with vehicles blocking fire lanes, oil and other materials entering the public storm drain system, business operative without business license or other approvals and other building and fire code violations. The property owner has not performed needed property maintenance resulting in significant roof leaks and numerous building deficiencies.

It is staff's opinion based on the discussion above, that the current auto repair businesses do not comply with minimum requirements of the Carson Municipal Code and conflict with the General Plan, MU-CS zone district and vision of the Carson Street Master Plan. The continued operation of the auto repair uses is not compatible with the surrounding residential and commercial uses. Accordingly, the auto repair uses would adversely affect the functional integration of neighboring developments. There are other permitted uses for which the subject property could be utilized that would be compatible with the surrounding uses and promote harmony with the existing and proposed neighboring developments.

The tenants have failed repeatedly to provide requested information in support of their CUP applications. Furthermore, the property owner has consistently evaded property management responsibilities, has not submitted information as agreed upon in the January 26, 2011 meeting and has failed to submit a work plan to correct building deficiencies. If past performance is any indication of future results, staff believes that the property owner is not capable of managing auto repair uses on the subject property.

IV. Environmental Review

Pursuant to Section 15270(a) – Projects Which Are Disapproved, of the California Environmental Quality Act (CEQA), the denial of the proposed conditional use permits for ten (10) existing auto repair facilities located on the same site is not subject to CEQA review.

V. Recommendation

That the Planning Commission:

- DENY Conditional Use Permit No. 803-04; Conditional Use Permit No. 804-10; Conditional Use Permit No. 811-10; Conditional Use Permit No.

Planning Commission Staff Report
CUP Nos. 803-10, 804-10, 811-10, 812-10, 814-10, 815-10, 816-10, 817-10, 818-10, 828-10

February 22, 2011
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812-10; Conditional Use Permit No. 814-10; Conditional Use Permit No. 815-10; Conditional Use Permit No. 816-10; Conditional Use Permit No. 817-10; Conditional Use Permit No. 818-10; Conditional Use Permit No. 828-10;

- WAIVE further reading and ADOPT Resolution No. 11-_____, entitled "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON DENYING CONDITIONAL USE PERMIT REQUESTS NOS. 803-10, 804-10, 811-10, 812-10, 814-10, 815-10, 816-10, 817-10, 818-10, 828-10 FOR TEN (10) EXISTING AUTO REPAIR FACILITIES LOCATED AT 336-348 E. CARSON STREET."

VI. Exhibits

1. Draft Resolution
2. Site Map
3. Development Proposal Letter from Botach Management to the Carson Planning Division Dated March 23, 1999
4. Letter to Botach Management Dated August 17, 2010 Regarding CUP Requests
5. 2nd Letter to Botach Management Dated January 12, 2011 Regarding CUP Requests
6. Development Plans (under separate cover)

Prepared by: 

Steven Newberg, AICP, Associate Planner

Reviewed by: 

John F. Signo, AICP, Senior Planner

Approved by: 

Sheri Repp, Planning Officer

SN/c80310_80410_81110_81210_81410_81510_81610_81710_81810_82810pc_022211



BOTACH
management

March 7, 2011

City of Carson Planning Division
701 East Carson Street
Carson, CA 90745

RECEIVED
CITY CLERK
11 MAR -8 AM 8:15
CITY OF CARSON

Re: Auto Repair Mall 336-338 Carson Street.
Planning Commission Resolution No. 11-2380, concerning
Conditional Use Permit Numbers 803-10, 804-10, 811-10, 812-10, 814-10, 815-10, 816-
10, 817-10, 818-10, 828-10

Attn: City Clerk


With regard to Resolution No. 11-2380 adopted on February 22, 2011, please be advised that
this letter is to appeal the decision of the City of Carson Planning Commission.

The grounds for appealing this action are as follows:

1. The City of Carson Planning Department erred in accepting incomplete Conditional use Permit applications thereby rendering staff unable to perform an adequate evaluation of the facts.
2. The City of Carson Planning Department erred in scheduling a Planning Commission Hearing without benefit of the information available in a complete application.
3. Various elements of the staff report as presented to the Planning Commission are in error.
4. The City of Carson Planning Department erred in requiring a Conditional Use Permit for businesses legally established prior to the passage of legislation requiring Conditional Use Permits in existing and/or newly created overlay zones.

Enclosed find a check in the amount of \$350.00 to cover the cost of the appeal.

Thank you,


Shione Botach

DISTRIBUTION COPIES TO:	Mayor/Council	✓
	City Manager	✓
	City Attorney	✓
	Planning	✓
	Other Depts.	
	Date: 3-8-11	gms

RECEIVED
CITY CLERK

11 MAR -8 AM 8:15

CITY OF CARSON

BOTACH MANAGEMENT
5011 W PICO BLVD
LOS ANGELES, CA 90019-4127

WELLS FARGO BANK, N.A.
www.wellsfargo.com
16-24/1220

5009

3.7.11

PAY TO THE
ORDER OF

CITY OF CARSON

\$ 350.00

DOLLARS

THREE HUNDRED FIFTY DOLLARS ONLY

MEMO

APPEAL PLANNING COMMISSION DECISION 11-2380
336 CARSON ST AUTO REPAIR 2 MAIL

⑈0000005009⑈ ⑆122000247⑆ 2170639831⑈

AUTHORIZED SIGNATURE



9173.4 Appeals.

A. Appellate Authority. Any decision made by the Director pursuant to this Chapter may be appealed to the Commission. Any decision made by the Commission pursuant to this Chapter may be appealed to the Council.

B. Filing of Appeal.

1. An appeal may be filed by any person, including any member of the City Council or the City Administrator.
2. An appeal shall be filed in writing within fifteen (15) days of the date of the Commission action, or in the case of an action by the Director, within fifteen (15) days of the date of the notice of decision.
3. The form and content of an appeal shall include:
 - a. The street address, if there is one, otherwise the legal description and location of the premises included in the action.
 - b. The administrative file number (case number) identifying the matter which is being appealed.
 - c. The specific matter being appealed.
 - d. A statement of the grounds for appeal or how there is error in the decision of the matter being appealed.
4. Unless otherwise provided, all appeals shall be filed with the City Clerk.
5. If the appeal is found to be deficient, the City Clerk shall deliver or mail to the appellant, by certified mail, a notice specifying the particulars in which the appeal is deficient. If such deficiency has not been corrected by the appellant within seven (7) days after such mailing of such a notice of deficiency by filing with the City Clerk a sufficient amendment to the appeal, the appeal shall be deemed to be withdrawn and the appeal fee shall be returned to the appellant.

C. Consideration and Decision.

1. Upon acceptance of the filing of an appeal, the City Clerk shall set the matter for public hearing before the appellate body, in the same manner as required for a Commission hearing of such matter. The City Clerk shall notify the Director who shall transmit to the appellate body a summary of the factual data and the record of action taken on the case.
2. Except as otherwise provided in this Chapter, in acting on an appeal the appellate body may:

- a. Affirm the decision; or
- b. Modify the decision; or
- c. Refer the matter back to the body from which the appeal originated, with instructions; or
- d. Reverse the decision.

3. Unless referred back to the body from which the appeal originated, the appellate decision shall be supported by written findings. (Ord. 78-458, § 1; Ord. 83-668, § 1; Ord. 84-701, § 1)

D. Failure to Act. The appellate body shall, within sixty (60) days of the filing of an appeal, act to either affirm, reverse, modify, continue or refer matter back.



DUPLICATE DUPLICATE DUPLICATE DUPLICATE
CITY OF CARSON, CA

CITY TREASURER'S OFFICE
701 EAST CARSON STREET
CARSON, CA

PHONE:310-830-7600

Reg# #/Rcpt#: 001-00383416 [RA]

Accounting Date: Thu, Mar 17, 2011

Date/Time: Wed, Mar 16, 2011 5:55 PM

4611/PL-FILING FEES

REF#:APPEAL CUPS 803,804,811,812,814,815,8

16,817,818,82

01-00999000-4611-00000-00

FEE AMOUNT: \$3,750.00

RECEIPT TOTAL = \$3,750.00

Payment Data:

Pmt# :1

Payer: BOTACH MANAGEMENT

Method: CK

Ref#: 5077

AMOUNT = \$250.00

Payment Data:

Pmt# :2

Payer: GARCIA'S AUTO BODY

Method: CK

Ref#: 2527

AMOUNT = \$350.00

Payment Data:

Pmt# :3

Payer: PERFECTION AUTO REPAIR

Method: CK

Ref#: 1513

AMOUNT = \$350.00

Payment Data:

Pmt# :4

Payer: ALEM FEKADE

Method: CK

Ref#: 1174

AMOUNT = \$350.00

Payment Data:

Pmt# :5

Payer: BERMUDEZ, RAMIRO

Method: CK

Ref#: 14-249355030

AMOUNT = \$350.00

Payment Data:

Pmt# :6

Payer: ECLIPSE AUTO BODY

Method: CK

Ref#: 14-249355029

AMOUNT = \$350.00

Payment Data:

Pmt# :7

Payer: ROMEO AUTO REPAIR

Method: CK

Ref#: 13241

AMOUNT = \$350.00

Payment Data:

Pmt# :8

Payer: RENES AUTOBODY

Method: CK

Ref#: 1078

AMOUNT = \$350.00

Payment Data:

Pmt# :9

Payer: TOMAS GARCIA SANCHEZ

Method: CK

Ref#: 1138

AMOUNT = \$350.00

Payment Data:

Pmt# :10

Payer: AQUINOS GENERAL AUTO REPAIR

Method: CK

Ref#: 2016

AMOUNT = \$350.00

Payment Data:

Pmt# :11

Payer: BOTACH MANAGEMENT

Method: CK

Ref#: 5009

AMOUNT = \$350.00

RECEIPT SUMMARY

TOTAL TENDERED = \$3,750.00

RECEIPT TOTAL = \$3,750.00

CHANGE DUE = \$0.00

FUTURE UNLIMITED!

Business Hours: 7am to 6pm

Monday - Thursday

DUPLICATE DUPLICATE DUPLICATE DUPLICATE

EXHIBIT NO.- 4

18

9173.22 Notification of Hearing (California Government Code Sections 65854 through 65854.5).

A. Time. Notice of hearing shall be given at least ten (10) calendar days before the hearing.

B. Content. A notice of hearing shall include:

1. Time and place of hearing.
2. A general explanation of the matter to be considered.
3. A general description of the area affected.

C. Posting. When a notice by posting is required, such notice shall be posted in at least three (3) public places in the City as designated by the Council. In addition, any property that is the subject of an administrative/quasi-judicial public hearing shall be posted by the applicant twenty (20) days prior to the hearing in accordance with the requirements prescribed by the Director.

D. Notice to Owners of Property Within Five Hundred (500) Feet.

1. When notice to owners of property within five hundred (500) feet is required, such notice shall be made by first class mail or delivery to all persons, including businesses, corporations or other public or private entities, shown on the last equalized assessment roll as owning real property within five hundred (500) feet of the subject property.

2. In connection with a legislative matter, in the event that the number of owners to whom notice would be sent pursuant to the preceding paragraph is greater than one thousand (1,000), as an alternative to such notice, notice may be given by either of the following procedures:

- a. By placing a display advertisement of at least one-eighth (1/8) page in a newspaper of general circulation published nearest to the City of Carson; or
- b. By placing an insert with any generalized first class mailing sent by the City to property owners in the area affected.

Such advertisement or mailing insert shall specify:

- (1) The type and magnitude of the changes proposed.
- (2) The place where copies of the proposed changes may be obtained.
- (3) The time, date and place of hearing.
- (4) The right to appear and be heard.

E. Notice to Persons Requiring Notice. In all cases, in addition to other notices, notice shall be given by first class mail to any person who has filed a written request therefor with the Commission. Such a

request may be submitted at any time during the calendar year and shall apply for the balance of such calendar year. A reasonable fee may be imposed on persons requesting such notice for the purpose of recovering the cost of such mailing.

F. Notice to Affected Agencies. When notice to local agencies expected to provide water, sewage, streets, roads, schools or other essential facilities is required, such notice shall be made by first class mail or delivery to each such agency. (Ord. 92-976, § 1; Ord. 01-1223, §§ 1, 2)

ORDINANCE NO. 04-1322

AN ORDINANCE OF THE CITY OF CARSON REGARDING VEHICLE REPAIR AND SERVICE WITHIN THE CR (COMMERCIAL, REGIONAL) ZONE, THE MUR (MIXED USE RESIDENTIAL) OVERLAY DISTRICT AND PROPERTIES IN ALL ZONES WITHIN 100 FEET OF RESIDENTIAL ZONES

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

Section 1. Code Amendment. Section 9131.1 (Uses Permitted) 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 to read as follows:

"ZONES

CN CR CG CA

Repair of all vehicles up to 2-ton capacity (no boats):

Minor repair as defined in section 9138.11
and subject to the provisions of Section 9138.2
(See Section 9133)

C L

Major repair as defined in Section 9138.11 and
subject to the provisions of Section 9138.2 and
Section 9138.15 (for CA zone only)* (See Section
9133)*

L C

Section 2. Code Amendment. Section 9131.13 (Uses Permitted within a Mixed-Use Residential MUR Overlay District) of Division 1 (Uses Permitted) of Part 3 (Commercial Zones) of Chapter 1 (Zoning) of Article IX (Planning and Zoning) is hereby amended by adding paragraph E to read as follows:

"E. Vehicle repair and service is permitted for non mixed-use commercial/residential developments, subject to the approval of a Conditional Use Permit by the Planning Commission pursuant to Section 9172.21 and the requirements of Section 9138.2."

Section 3. Code Amendment. Section 9132.2 (Vehicle Sales and Service) of Division 2 (Accessory Uses) of Part 3 (Commercial Zones) of Chapter 1 (Zoning) of Article IX (Planning and Zoning) is hereby amended by modifying paragraphs 2, 3, 4 and 7 to read as follows:

"Minor repairs and services (as defined in Section 9138.11) are permitted with an automobile service station or automobile laundry other than a self-service automobile laundry. (See Section 9138.12 and 9138.13) and (Section 9133 for

CR zone, MUR Overlay District and properties in all zones within 100 feet of residential zones).

Minor repairs and services (as defined in Section 9138.11) incidental to the sale of new automobile parts, and including the installation of seat covers, are permitted with the sale of new automobile parts subject to the requirements of Section 9138.2. (See Section 9133 for CR zone, MUR Overlay District and properties in all zones within 100 feet of residential zones).

Major repairs and services (as defined in Section 9138.11), as well as minor repairs and services are permitted with motor vehicle sales, subject to the requirements of Section 9138.2 and 9138.15(c). (See Section 9133 for CR zone, MUR Overlay District and properties in all zones within 100 feet of residential zones).

Minor repairs and services (as defined in Section 9138.11(A)(4)) are permitted with a vehicle auction. (See Section 9133 for CR zone, MUR Overlay District and properties in all zones within 100 feet of residential zones)."

Section 4. 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) is hereby amended by adding a new paragraph to read as follows:

"Vehicle Repair and Service:

Compliance with the provisions of Section 9138.2."

Section 5. Code Amendment. Section 9138.12 (Automobile Service Stations) of Division 8 (Special Requirements for Certain Uses) of Part 3 (Commercial Zones) of Chapter 1 (Zoning) of Article IX (Planning and Zoning) is hereby amended by modifying paragraph 5 to read as follows:

"A(5). Minor repair and service of automobiles and other motor vehicles, except in CA zone (these uses not permitted within an Automobile Service Station). (See Section 9133 for CR zone, MUR Overlay District and properties in all zones within 100 feet of residential zones)."

Section 6. Code Amendment. Section 9138.21 (Vehicle Auctions) of Division 8 (Special Requirements for Certain Uses) of Part 3 (Commercial Zones) of Chapter 1 (Zoning) of Article IX (Planning and Zoning) is hereby amended by modifying paragraph

4 to read as follows:

"4. Vehicle service and repair may be permitted as an accessory use, subject to Section 9132.2 of this Chapter (See Section 9133 for CR zone, MUR Overlay District and properties in all zones within 100 feet of residential zones)."

Section 7. Code Amendment. Section 9138.2 (Vehicle Service and Repair) of Division 8 (Special Requirements for Certain Uses) of Part 3 (Commercial Zones) of Chapter 1 (Zoning) of Article IX (Planning and Zoning) is hereby amended by numbering existing paragraphs and adding paragraphs 1 and 8-17 to read as follows:

"The servicing and repair of motor vehicles in the commercial zones at establishments other than retail petroleum outlets" shall be subject to the following:

1. Vehicle repair and service located within 100 feet of any residential zone, as measured from lot line to lot line, shall be subject to the approval of a Conditional Use Permit by the Planning Commission pursuant to Section 9172.21. Within the CR (Commercial, Regional) zone and MUR (Mixed-Use Residential) Overlay District, a Conditional Use Permit is required regardless of the 100 foot distance requirement.
2. All operations shall be conducted within an enclosed building.
3. All areas or structures in which such operations are conducted shall be so located or soundproofed as to prevent annoyance or detriment to surrounding property. In no case shall doors or windows be permitted in any wall within 100 feet of and facing a residential zone.
4. All damaged or wrecked vehicles awaiting repair shall be effectively screened so as not to be visible from surrounding property or from any adjoining public street or walkway.
5. All repair activities shall be confined to the hours between 7:00 a.m. to 9:00 p.m. daily.
6. No damaged or wrecked vehicles shall be stored for purposes other than repair and shall not constitute a vehicle wrecking, dismantling, or impounding yard, or junk or salvage yard.
7. Dismantling of vehicles for purposes other than repair is prohibited.
8. All display and storage shall be located within an enclosed building.

Vehicles awaiting service may be parked in an unenclosed area for a period not to exceed 72 hours. Vending machines shall be placed indoors.

9. The entire ground area of the site, except building and planting areas, shall be paved with asphaltic compound or concrete to City standards and shall comply with the Standard Urban Stormwater Mitigation Plan (SUSMP) requirements as stated in Article V Sanitation & Health, Chapter 8 Stormwater & Urban Runoff Pollution Control section of the Carson Municipal Code.
10. Design a repair/maintenance bay drainage system to capture all washwater, leaks and spills. Connect drains to sump for collection and disposal or connect to clarifier then sanitary sewer.
11. That development and architectural plans indicating compliance with the provisions of this section and embodying acceptable design standards shall be submitted for approval by the Planning Division and made a condition of an approved Conditional Use Permit.
12. All entrances to rest rooms shall be located within the building in such a manner as not to be visible from adjacent property.
13. Parking shall be provided as follows:
 - a. One automobile parking space shall be provided for each employee on the largest shift.
 - b. Two parking spaces shall be provided for each service bay.
 - c. Spaces are to be striped and provided, as deemed necessary, with bumper guards or wheel stops approved by the Planning Division.
 - d. Vehicles may only be parked in designated parking spaces.
 - e. Parking for all other uses shall comply with Section 9162.21.
14. That landscaping shall be provided as follows:
 - a. Landscaped planters shall be provided along the full length of building facades facing streets or public parking areas.
 - b. All landscaped areas shall be protected by a curb not less than 6 inches in height or a raised planter wall between the landscaping and paved areas.
 - c. Landscaped planters not less than three feet in width shall be provided along all interior lot lines.
 - d. Landscaping shall consist of trees of at least 24-inch box, shrubs of at



least five gallon size, and suitable ground cover.

- e. All landscaped areas shall be properly maintained in a neat, orderly and safe manner. Such landscaping and maintenance shall include, but not be limited to, the installation and use of an irrigation system, permanently and completely installed, which delivers water directly to all landscaped areas.
15. A solid decorative masonry wall or wrought iron fencing with appropriate landscaping or other such appropriate screening material to the discretion of the Director, six feet in height shall be installed and maintained along interior property lines not occupied by a building, except that any screening located within the required front setback area shall not exceed 3 ½ feet in height.
 16. That the requirements and limitations contained in this section shall be considered minimum standards provided, however, that the Planning Commission may:
 - a. Require such additional conditions as are deemed necessary within the intent of Section 9172.21(D); or
 - b. Modify such requirements or limitations contained herein, which in the opinion of the Planning Commission, are inappropriate or inapplicable either to the intended use of the property, to the property itself or to adjacent property.
 17. Signage shall be of appropriate design as approved pursuant to the Site Plan and Design Review procedures (including number of signs and sign structures to be permitted) as provided in Section 9172.23."

Section 8. Code Amendment. Paragraph (C) of Section 9162.21 (Parking Spaces Required) of Division 2 (Vehicular Parking, Loading and Maneuvering Areas) of Part 6 (General Development Standards) of Chapter 1 (Zoning) of Article IX (Planning and Zoning) is hereby amended by adding a new sub-paragraph (13) to read as follows:

Use	Off-Street Parking Required
"13. Vehicle Repair and Service	1 parking space shall be provided for each employee on the largest shift, plus 2 parking spaces shall be provided for each service bay. Parking for all other uses shall comply with Section 9162.21. "

Section 9. Code Amendment. Section 9182.22 (Termination of Existing Nonconforming Uses) of Division 2 (Nonconformities) of Part 8 (Implementing Provisions) of Chapter 1 (Zoning) of Article IX (Planning and Zoning) is hereby amended by adding the following language to the table in Paragraph A to read as follows:

Use	Allowable Life
"Vehicle Repair and Service located within the CR (Commercial, Residential) zone, the Mixed-Use Residential (MUR) Overlay District and properties in all zones within 100 feet of residential zones, subject to Section 9182.26	5 years "

Section 10. Code Amendment. Section 9182.26 (Continuation of Vehicle Repair and Service) of Division 2 (Nonconformities) of Part 8 (Implementing Provisions) of Chapter 1 (Zoning) of Article IX (Planning and Zoning) is hereby created to read as follows:

- "A. Existing lawfully established vehicle repair and service uses located within the CR (Commercial, Regional), MUR (Mixed-Use Residential) Overlay District and all zones within 100 feet of residential zones shall obtain a Conditional Use Permit by the Planning Commission pursuant to Section 9172.21. An application for a Conditional Use Permit shall be submitted within a 5-year period of the effective date of this ordinance or prior to the termination of the amortization period, whichever provides the greater amount of time.

When approving a Conditional Use Permit, the Commission shall make findings regarding the adequacy of on-site parking and applicable development standards contained in Section 9138.2. The Commission shall require, as a condition precedent to the continued use of the property under the Conditional Use Permit, that a report be submitted by the applicant, which shall provide and include plans to eliminate or mitigate any Building, Plumbing Electrical and Fire Code deficiencies. The Commission may require additional improvements to the property, or any buildings or structures thereon, which may include but are not limited to the following:

1. New or rehabilitated landscaping;

2. Exterior changes to promote compatibility of buildings and structures with surrounding development;
3. General repairs to vehicular maneuvering or parking areas;
4. Modifications designed to bring a structure more nearly into compliance with the applicable standards for commercial uses.

This section shall not validate any existing illegal vehicle repair and service facilities."

Section 11. 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 5th day of October, 2004.

ATTEST:

Don S. Kauragon
CITY CLERK

Jim Dear
MAYOR

APPROVED AS TO FORM:

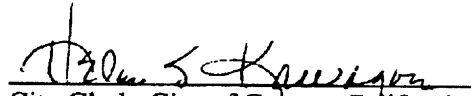
W. W. [Signature]
CITY ATTORNEY



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

I, Helen S. Kawagoe, City Clerk of the City of Carson, California, do hereby certify that the whole number of members of the City Council of said City is four; that the foregoing ordinance, being Ordinance No. 04-1322 passed first reading on September 21, 2004, was duly and regularly adopted by the City Council of said City at a regular meeting of said Council, duly and regularly held on the 5th day of October, 2004, and that the same was passed and adopted by the following roll call vote:

AYES:	COUNCIL MEMBERS:	Mayor Dear, Calas, Santarina, and Ruiz-Raber
NOES:	COUNCIL MEMBERS:	None
ABSTAIN:	COUNCIL MEMBERS:	None
ABSENT:	COUNCIL MEMBERS:	None



City Clerk, City of Carson, California



Planning Commission Decision:

Commissioner Saenz moved, seconded by Chairman Faletogo, to concur with staff recommendation, thus adopting Resolution No. 11-2379. Motion carried, 8-0 (absent Commissioner Brimmer).

(Commissioner Verrett departed the meeting prior to staff report on this matter.)

11. PUBLIC HEARING

- I) **Conditional Use Permit No. 803-10; Conditional Use Permit No. 804-10; Conditional Use Permit No. 811-10; Conditional Use Permit No. 812-10; Conditional Use Permit No. 814-10; Conditional Use Permit No. 815-10; Conditional Use Permit No. 816-10; Conditional Use Permit No. 817-10; Conditional Use Permit No. 818-10; Conditional Use Permit No. 828-10**

The applicant, Botach Management, is requesting to approve ten (10) individual, existing, non-conforming auto repair uses located on the subject property and within the MU-CS (Mixed Use – Carson Street) zone and the Carson Consolidated Redevelopment Project Area. The subject property is located at 336-348 East Carson Street.

Staff Report and Recommendation:

Associate Planner Newberg presented staff report and the recommendation to DENY Conditional Use Permit No. 803-10; Conditional Use Permit No. 804-10; Conditional Use Permit No. 811-10; Conditional Use Permit No. 812-10; Conditional Use Permit No. 814-10; Conditional Use Permit No. 815-10; Conditional Use Permit No. 816-10; Conditional Use Permit No. 817-10; Conditional Use Permit No. 818-10; Conditional Use Permit No. 828-10; and WAIVE further reading and ADOPT Resolution No. 11-2380, entitled, "A Resolution of the Planning Commission of the city of Carson denying Conditional Use Permit request Nos. 803-10, 804-10, 811-10, 812-10, 814-10, 815-10, 816-10, 817-10, 818-10, 828-10 for ten (10) existing auto repair facilities located at 336-348 East Carson Street."

Associate Planner Newberg noted for Chairman Faletogo that there are approximately 15 bays in this facility; and that each business operator pays approximately \$1,500 to \$2,000 a month.

Commissioner Saenz questioned why this property has continued to be in violation of codes for many years.

Planning Officer Repp explained that this is a good example of why the automotive CUP process was necessary, noting that each could be considered on a case-by-case basis; and added that it is not staff's intent to displace businesses.

Krikor Bijakjian, operator of Maison Europe, Unit D, stated that the tenants pay a lot of money for their month-to-month leases on this property and stated that he cannot afford to pay for this CUP process. He advised that it is very difficult to get in touch with the property owner and he asked the City to give him at least six months to find another location to operate his business.

Luis Sandoval, operator of Tonny's Auto Repair, Units B and C, stated that the tenants have made various improvements to their units, but noted that the landlord is not providing them with any assistance or helping to keep them in business at this location. He noted for Chairman Faletogo that his monthly rent for two spaces is \$2,300.

Tom Simms, Catskill Avenue resident, stated that for the last 13 years he has lived on this street, the operations from this property have created a nuisance for he and his neighbors over the years, advising that he can smell paint fumes and hear their loud music and air tools at all hours of the day and night. He added that music plays at 3:00 A.M. and that empty bottles are thrown onto his driveway. He mentioned that he has complained to the Sheriff's Department on several occasions.

Ramiro Bermudez, operator of RB Auto Repair, Unit C, stated that these operators need help; advised that there is currently some roof repairs taking place on site; and stated that his monthly rent is \$1,200.

There being no further input, Chairman Faletogo closed the public hearing.

Planning Officer Repp advised that there is a 15-day appeal period on any Commission action and stated that staff is supportive of giving the operators three months to relocate, with another three months should they need it.

Planning Commission Decision:

Commissioner Goolsby moved, seconded by Commissioner Saenz, to concur with staff recommendation, allowing from three to six months for the tenants to vacate this property; and adopted Resolution No. 11-2380. Motion carried as follows:

AYES: Faletogo, Goolsby, Gordon, Park, Saenz
NOES: Diaz
ABSTAIN: Schaefer
ABSENT: Brimmer, Verrett

12. NEW BUSINESS DISCUSSION

A) Workshop regarding Long-Term Banners

Applicant's Request:

The applicant, city of Carson, is requesting the Commission discuss and consider long-term banners for commercial properties.

Staff Report and Recommendation:

This matter was continued to the next Planning Commission meeting.

Planning Commission Decision:

Without objection, Chairman Faletogo continued this matter to the March 10, 2011, Planning Commission meeting (absent Commissioner Brimmer).

**CITY OF CARSON
PLANNING COMMISSION**

RESOLUTION NO. 11-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON DENYING CONDITIONAL USE PERMIT REQUESTS NOS. 803-10, 804-10, 811-10, 812-10, 814-10, 815-10, 816-10, 817-10, 818-10, 828-10 FOR TEN (10) EXISTING AUTO REPAIR FACILITIES LOCATED AT 336-348 E. CARSON STREET

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

Section 1. Applications were duly filed by ten (10) individual tenants operating existing auto repair businesses on real property located at 336-348 E. Carson Street owned by Shlomo Botach and managed by Botach Management, and described in Exhibit "A" attached hereto, requesting the approval of an existing auto repair use located within the MU-CS (Mixed Use-Carson Street) zoning district.

The following CUP requests are the subject of this Resolution:

- Conditional Use Permit No. 803-10: Tonny's Auto Repair (Luis Sandoval), an existing auto repair facility conducting general automotive repairs, located at 336 E. Carson Street Unit C, and 348 E. Carson Street Unit B, in business;
- Conditional Use Permit No. 804-10: Garcia Auto Body (Isidro Duarte), an existing auto repair facility conducting general automotive repairs, located at 340 E. Carson Street Unit A;
- Conditional Use Permit No. 811-10: Perfection Auto Repair (Oscar Macias), an existing auto repair facility conducting general automotive repairs, located at 342 E. Carson Street Unit B;
- Conditional Use Permit No. 812-10: Romeo Auto Repair (Romeo Balboa), an existing auto repair facility conducting general automotive repairs, located at 336 E. Carson Street Unit D and E;
- Conditional Use Permit No. 814-10: RB Auto Repair (Ramiro Bermudez), an existing auto repair facility specializing in automotive electrical repairs, located at 346 E. Carson Street Unit C;
- Conditional Use Permit No. 815-10: Aquino's Auto Repair (Vincente Aquino), an existing auto repair facility conducting general automotive repairs, located at 340 E. Carson Street Unit B, and 344 E. Carson Street Unit G;
- Conditional Use Permit No. 816-10: Maison Europe (Krikor Bijakjian), an existing auto repair facility specializing in European imported vehicle repair, located at 348 E. Carson Street Unit D and E;
- Conditional Use Permit No. 817-10: Eclipse Auto Body (Juan Garcia), an existing auto repair facility specializing in auto body repair, located at 346 E Carson Street Unit A and B;



- Conditional Use Permit No. 818-10: Rene's Auto Body (Rene Tacuri), an existing auto repair facility specializing in auto body repair, located at 338 E. Carson Street Unit B;
- Conditional Use Permit No. 828-10: Garcia Auto Repair (Tomas Garcia), an existing auto repair facility conducting general automotive repairs, located at 342 E. Carson Street Unit C.

A public hearing was duly held on February 22, 2011, at 6:30 P.M. at City Hall, Council Chambers, 701 E. 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:

- The proposed project does not meet the goals and objectives of the General Plan, the MU-CS (Mixed Use-Carson Street) zone district and the Carson Street Master Plan to encourage the creation of a beautiful, vibrant, "main street" that reflects the community's vision, a distinctive mixed-use character throughout Carson Street, and a livable, pedestrian friendly downtown district.
- The existing buildings on the subject property were constructed at a time when development standards designed to implement the current vision for Carson Street were not in place. As a result, there is minimal setback from Carson Street, inadequate landscaping, and outdated architecture. These non-conforming standards have been exacerbated by decades of deferred maintenance and general neglect of the property. The property does not provide any landscape area and is severely deficient in meeting design standards associated with newer development. Thus, the uses are not harmonious and attractive for the area.
- The cumulative effect of persistent code violations, deferred maintenance, and non-conforming development standards, have contributed to what is currently an unsightly appearance. The auto repair uses intensify an already blighting effect caused by the unsightly appearance and poor maintenance standards associated with the buildings, grounds, and signage. Thus, the uses are not harmonious and attractive for the area.
- The proposed project does not conform to all applicable development standards of the Carson Municipal Code (CMC). There is inadequate parking for all uses at the property resulting in vehicles being parked and stored in areas that obstruct safe maneuvering and circulation. Vehicles are routinely parked in the required fire lanes. The orientation of parking causes cars to back into Carson Street causing a potential safety conflict with pedestrians and motorists.
- The existing auto repair use does not meet the goals and objectives of the General Plan and is inconsistent with applicable zoning and design regulations. The required findings pursuant to Section 9171.21(d), "Conditional Use Permit, Approval Authority and Findings and Decision" cannot be made in the affirmative.



- f) The continued operation of the auto repair uses is not compatible with the surrounding residential and commercial uses. Accordingly, the auto repair uses would adversely affect the functional integration of neighboring developments. There are other permitted uses for which the subject property could be utilized that would be compatible with the surrounding uses and promote harmony with the existing and proposed neighboring developments.
- g) The tenants have failed to provide requested information to support their CUP applications. Furthermore, the property owner has failed to develop a plan to correct building deficiencies and to upgrade the property in a manner compatible with the surrounding area. The property owner can not ensure an adequate property management system necessary to support automotive repair businesses. The property owner has demonstrated a long standing relationship with the property and its tenants characterized by neglect and a disregard for compliance with basis regulatory requirements.

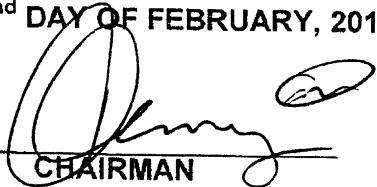
Section 4. According to Section 15270(a) – Projects Which Are Disapproved, of the California Environmental Quality Act (CEQA) guidelines, the denial of the proposed conditional use permits for ten (10) existing auto repair facilities located on the same site is not subject to CEQA review.

Section 5. Based on the aforementioned findings, the Planning Commission hereby denies Conditional Use Permit Nos. 803-10, 804-10, 811-10, 812-10, 814-10, 815-10, 816-10, 817-10, 818-10, 828-10, and 828-10, with respect to the property described in Section 1 hereof.

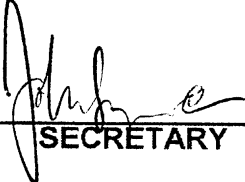
Section 6. The Secretary shall certify the adoption of the Resolution and shall transmit copies of the same to the applicant.

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 22nd DAY OF FEBRUARY, 2011.


CHAIRMAN

ATTEST:


SECRETARY

RESOLUTION NO. 11-057

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA AFFIRMING THE DECISION OF THE PLANNING COMMISSION TO DENY CONDITIONAL USE PERMIT REQUESTS NOS. 803-10, 804-10, 811-10, 812-10, 814-10, 815-10, 816-10, 817-10, 818-10, AND 828-10 FOR TEN (10) EXISTING AUTO REPAIR FACILITIES LOCATED AT 336-348 E. CARSON STREET

THE CITY COUNCIL OF THE CITY OF CARSON HEREBY FINDS, RESOLVES, AND ORDERS AS FOLLOWS:

Section 1. On February 22, 2011, the Planning Commission adopted Resolution No. 11-2380 on a 5-1 vote (one abstain, two absent) denying Conditional Use Permit (CUP) Nos. 803-10, 804-10, 811-10, 812-10, 814-10, 815-10, 816-10, 817-10, 818-10, and 828-10 for ten (10) individual tenants operating existing auto repair businesses on real property located at 336-348 E. Carson Street.

Section 2. On March 8, 2011 an appeal was filed by Botach Management, pursuant to the requirements of Carson Municipal Code (CMC) Section 9173.4. The appeal was initially deemed deficient by the City Clerk due to payment of insufficient. The appeal was reconsidered and accepted by the City Clerk on March 17, 2011 upon payment of remaining fees.

Section 3. A public hearing was duly held by the City Council on May 9, 2011 at Carson City Hall, Council Chambers, 701 East Carson Street, Carson, California. A notice of the time, place, and purpose of the aforesaid meetings was duly given. Evidence, both written and oral, was duly presented to and considered by the City Council at the said hearings.

Section 4. The City Council hereby finds that:

- a) On October 5, 2004, the Carson City Council passed Ordinance No. 04-1322 which requires a conditional use permit (CUP) for any auto repair use located within one-hundred (100) feet of a residential zone or within the CR (Commercial, Regional) zoning district. The ten existing auto repair businesses are all within the MU-CS (Mixed Use – Carson Street) zone, which is intended for a mix of residential and commercial uses and are immediately adjacent to residential zones.
- b) The property management company, property owner, and all tenants were informed of the CUP requirement by mail in August, 2005, and January, 2009. The deadline for submitting the CUP applications was November 1,

[MORE]

EXHIBIT NO. - 9



2009. There were no CUP applications submitted for the subject property by November 1, 2009.

- c) As a result of code enforcement actions against the property owner and tenants, the subject CUP applications were received in April, 2010. Written notification was sent to each applicant and the property owner in August, 2010, indicating that the applications remained incomplete. The applicants were given 90 days to produce the necessary information and failed to submit any information.
- d) The applicants and property owner were advised on January 26, 2011 that the applications remained incomplete and would be recommended for denial due to failure to submit the requisite information requested in the status of application letter. No information was submitted prior to the Planning Commission public hearing. On February 22, 2011, the Planning Commission denied the ten CUP applications.
- e) The appellant has failed to provide additional information or a plan demonstrating responsible management of the auto repair businesses. There has been repeated serious code enforcement violations associated with the auto repair businesses. The appellant has consistently been advised that the tenants need to be monitored so that inappropriate auto repair businesses are removed. The City Council has no new information on which to base a review, or consideration of an alternative to denial, other than what was provided for Planning Commission review and consideration at their February 22, 2011 public hearing.
- f) All findings contained in Planning Commission Resolution No. 11-2380 are hereby affirmed by City Council in this Resolution of Findings.

Section 4. According to Section 15270(a) – Projects Which Are Disapproved, of the California Environmental Quality Act (CEQA) guidelines, the denial of the proposed conditional use permits for ten (10) existing auto repair facilities located on the same site is not subject to CEQA review.

Section 5. Based on the aforementioned findings, the City Council hereby affirms the Planning Commission decision set forth in Resolution No. 11-2380 which denies Conditional Use Permit Nos. 803-10, 804-10, 811-10, 812-10, 814-10, 815-10, 816-10, 817-10, 818-10, 828-10, with respect to the property described in Exhibit “A” attached herewith.

Section 6. The City Clerk shall certify to the adoption of the 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 9th day of May, 2011.

Mayor Jim Dear

ATTEST:

City Clerk Helen S. Kawagoe

APPROVED AS TO FORM:

City Attorney

[MORE]



CITY OF CARSON

CITY COUNCIL

EXHIBIT "A"

LEGAL DESCRIPTION

**CONDITIONAL USE PERMIT NOS. 803-10, 804-10, 811-10, 812-10, 814-10, 815-10,
816-10, 817-10, 818-10, 828-10**

Property Address: 336-348 E. Carson Street

Parcel Identification Number: 7335-005-049

Lot 48 of Tract Map 2982, in the City of Carson, County of Los Angeles, State of California as per Map recorded in a Book of Maps in the Office of the County Recorder of Said County.

[MORE]



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