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

COMMISSION ACTION

____ Concurred with staff

____ Did not concur with staff

____ Other

COMMISSIONERS' VOTE

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

Item No. 11I

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.

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

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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;

EXHIBIT NO. 1-

- 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:

a) 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.

b) 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.

c) 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.

d) 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.

e) 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.

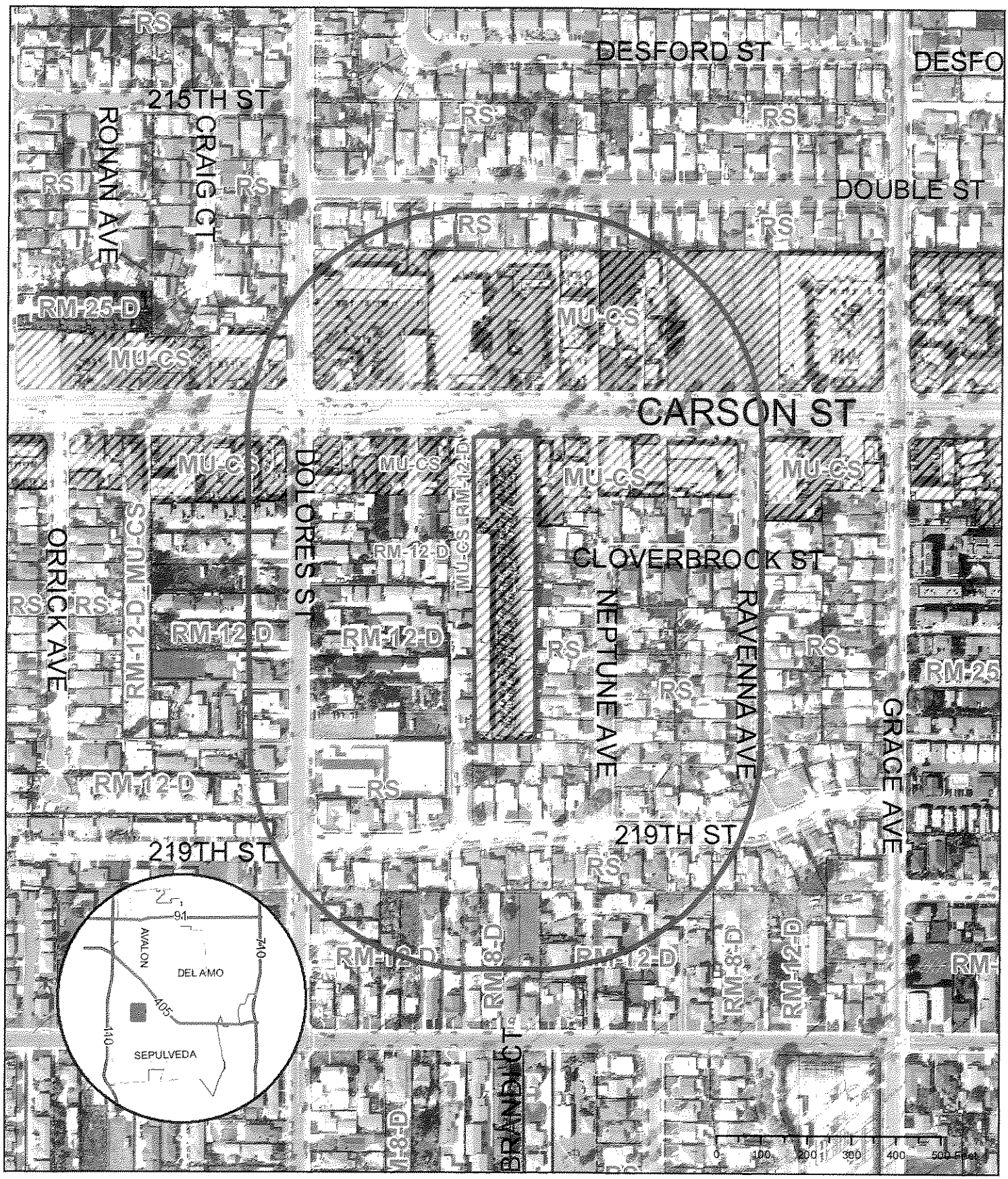
Section 7. This action shall become final and effective fifteen days after the adoption of this Resolution unless within such time an appeal is filed with the City Clerk in accordance with the provisions of the Carson Zoning Ordinance.

PASSED, APPROVED AND ADOPTED THIS 22nd DAY OF FEBRUARY, 2011.

_____
CHAIRMAN

ATTEST:

_____
SECRETARY



City of Carson
500 Foot Radius Map EXHIBIT NO. 2
336-348 E Carson St
Figueroa Auto Center

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Date Printed: Monday, February 07, 2011
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BOTACH MANAGEMENT
5011W.Pico Boulevard
Los Angeles, CA 90019
213 933-3971

March 23, 1999

City of Carson
Planning Department
701 East Carson Street
P.O. Box 6234
Carson, CA 90749

Attn: Mr. Patrick Brown, Director of Planning

Re: 336-348 East Carson Street

Dear Mr. Brown:

As you know, we are the owners of the above referenced property, which, for the past several years has been the subject of various code enforcement activities related to the current uses associated with the site. Due to the size and depth of the property, maintaining occupancy has become increasingly difficult for any type of tenant other than the automotive uses that currently occupy the site. As a result of this, we have undertaken a feasibility study to determine the most cost effective and appropriate use for the site.

After giving careful consideration to the various development options available, we have determined that the most cost effective and feasible use for this property at this time is a mixed use development consisting of retail/office rental space along the street frontage, and a commercial storage facility in the rear. This would allow prime exposure for the office/retail tenants along Carson Street and provide a relatively neutral use for the remainder of the property, with ample off-street parking for all.

The establishment of a public storage facility would have the following positive impacts:

- A reduction in traffic; storage tenants are infrequent visitors to the site, usually on weekends and evenings;
- Removal of visual blight; all storage will be contained within the units, and the driveway reconfigured to be double loaded with parking in front of the units, with a landscaped security access directly behind the office/retail parking;
- Reduction in trash and debris; public storage facilities do not generate trash;

EXHIBIT 3 EXHIBIT NO. 3

Additionally, our proposal to redevelop the site includes the following positive building modifications:

- Removal of brick decorative elements on Carson Street elevations, sandblasting of facade to natural block color;
- Installation of new planter along property line with vines planted to creep up the building, creating a "softer" impact on the street;
- Repair or replacement of nonfunctional doors and repainting of buildings;
- Installation of internal landscape area and security gates for storage use;
- Reconfiguration of parking lot and driveway, with pothole and surface repair as necessary, and the placement of sealant and restriping;
- Internally, new partition walls would be constructed to divide the storage spaces, and non-needed plumbing would be removed.

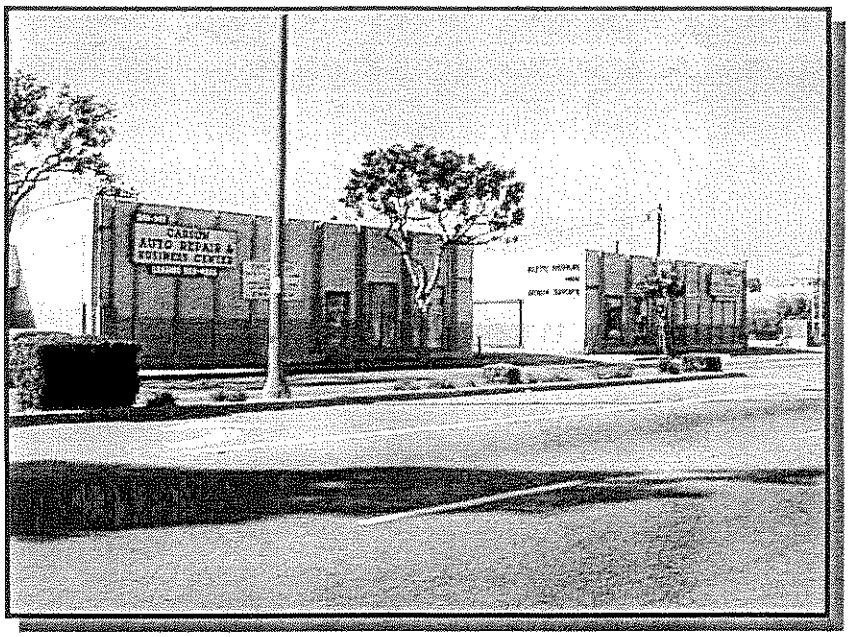
In order to accomplish this project, it is our understanding that our proposal will require a modification of the current zoning regulations to allow the commercial storage facility use in the CG zone. Recognizing that the modification would be applicable to all properties in CG zone, we would suggest the impact could be lessened by requiring that it only apply to properties greater than two acres in size and having a lot depth to lot width ratio exceeding five to one.

We are therefore requesting that you review our proposal in order to determine the viability of a zone modification and advise us as to what is necessary to accomplish this.

We are enclosing a proposed site plan and elevations for your review.

Thank you.

336-348 EAST CARSON STREET



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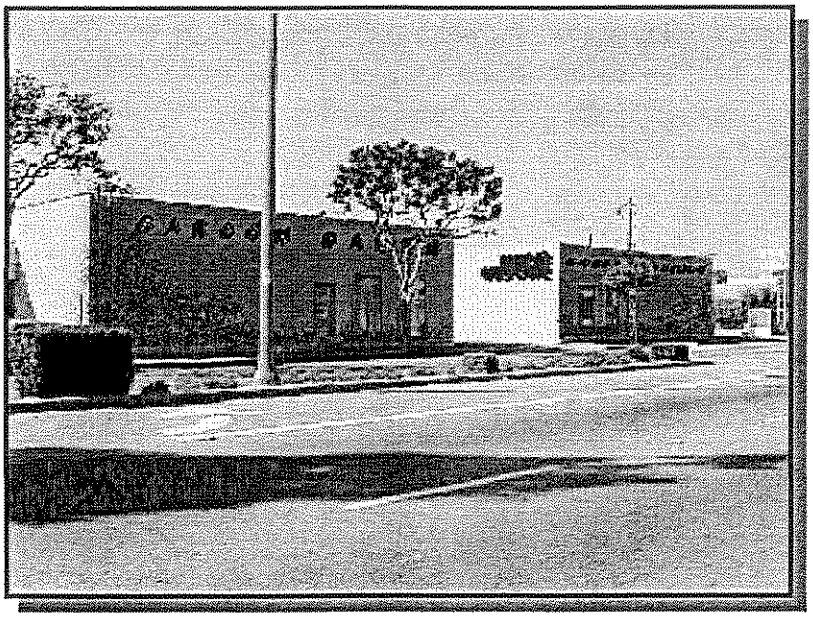

PROPOSED

CITY OF CARSON

Botach Management
Attn: Mr. Yoav Botach
5011 W. Pico Boulevard
Los Angeles, CA 90019

Re: Auto Repair Mall, 336-338 E. Carson Street, Carson, CA 90745

Dear Mr. Botach,

As you may be aware, Planning staff has received conditional use permit (CUP) applications from tenants occupying spaces within your auto repair and service mall located at 336-348 E. Carson Street. Staff has compiled a list of known tenants occupying spaces at the subject property, based upon applications received. Staff urges that you compare this list to any that you may have and report inconsistencies to the Planning Division immediately. In one instance during a field investigation done in May, 2010, staff found that one of your tenants was sub-leasing space to an unauthorized tire repair shop operating for an unknown time prior to that without benefit of interior improvement permit(s) and/or a business license. To limit similar instances from occurring, from which both you and the city may benefit, please review the following list:

Applicant Name	Business Name	Address and Unit	Permit (CUP) Number	Submittal Date
Luis A. Sandoval	Tonny's Auto Repair	336 Unit C and 348 Unit B	CUP 803-10	April 26, 2010
Romeo Balboa	Romeo Auto Repair	336 Unit D and E	CUP 812-10	May 4, 2010
Rene Tacuri	Rene's Auto Body	338 Unit B	CUP 818-10	May 5, 2010
Isidro G. Duarte	Garcia Auto Body	340 Unit A	CUP 804-10	April 27, 2010
Vicente Aquino	Aquino's Auto Repair	340 Unit B and 344 Unit G	CUP 815-10	May 3, 2010
Oscar Macias	Perfection Auto Repair	342 Unit B	CUP 811-10	April 28, 2010
Tomas Garcia	Garcia Auto Repair	342 Unit C	CUP 828-10	May 5, 2010
Juan Garcia	Eclipse Auto Body	346 Unit A and B	CUP 817-10	May 4, 2010
Ramiro Bermudez	RB Auto Electric	346 Unit C	CUP 814-10	April 29, 2010
Krikor Bijakjian	Maison Europe	348 Unit D and E	CUP 816-10	May 4, 2010

EXHIBIT 4 EXHIBIT NO. 4 -

According to the site plan submitted by each applicant, there are 33 tenant spaces in total for all three buildings on the site. It appears that based on this list there are 15 tenant spaces occupied, for just over a 45 percent occupancy rate. Since the property is entirely within the Carson Street Mixed-Use Zone (MU-CS), there are no new auto repair businesses permitted , including vehicle sales and service, dismantling, and other types of service defined as major and minor pursuant to Carson Municipal Code (CMC) Section 9138.17(2)(I). However, those that currently exist with an approved business license are permitted with an approved conditional use permit. With each CUP application, it is expected that the property owner participate in the process, as the CUP over time will ultimately benefit them more because the CUP "runs with the land", meaning that the property owner can continue to keep tenants actively operating a use (or uses) in a zone which would not otherwise permit the use, provided that an approved business license for such use does not lapse for a period of more than 180 days.

This letter is to inform you that staff is expecting such participation from you during the processing of these CUP applications, as was suggested in meetings at City Hall between you and staff over the last eighteen months. Improvements to the buildings, as a whole, are required, such as new roofing, service bay doors, windows, façade repairs, paint, etc. to bring them up to current standards for the zone. Such repairs provide benefit to you, the property owner, more than each individual tenant – given the current 45% occupancy rate. Therefore, staff recommends that you work with the applicants to submit a detailed plan of proposed improvements to be reviewed and approved prior to a Planning Commission hearing.

The CUP process requires bringing the property into compliance with certain applicable municipal codes related to parking, landscaping, and site layout, as well as building improvements to make the building safe for occupancy, such as electrical, plumbing, and mechanical upgrades as needed. A building inspection report is required for each applicant. Such a report details deficiencies related to the requirements listed above, and provides measures for mitigating such deficiencies. Staff recommends that an inspection be conducted for all buildings and provided in a single report. Staff intends to present all of the CUP's related to your property to the Planning Commission at one time, as one single staff report with a resolution for each application. Staff requests that you submit a detailed inspection report for both buildings within 90 days.

A letter will be sent to each applicant requesting that they consult with you for cooperation in facilitating the submittal of the required documentation and revised plans. By working together, staff is confident that a development plan for improvement to the property will come to fruition. Required information shall be submitted within 90 days of receipt of this letter. Staff is available for assistance.

Best regards,

Steve Newberg, AICP, Associate Planner

8/17/10
Date

cc: address file; property cup files

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CITY OF CARSON

Botach Management
Attn: Mr. Yoav Botach
5011 W. Pico Boulevard
Los Angeles, CA 90019

Re: Second Letter Regarding Application Statuses for Auto Repair Mall, 336-338 E. Carson Street, Carson, CA 90745

Dear Mr. Botach,

After a second review of application information submitted to date regarding all conditional use permits applied for by your tenants, the City Planning Division has the following comments:

1. The applications are still incomplete. Elevation plans and a property inspection report for each application are required in order to forward the CUP's to the Planning Commission for review and consideration.
2. Staff sent correspondence to you and each individual tenant (known by CUP application information) on August 17, 2010, requesting that you both cooperate in the CUP application process and coordinate regarding the submittal of an inspection report, revised development plans, and other required information.
3. You were given 90 days to comply with this request for information. This period ended November 17, 2010. The tenants were each advised of the same schedule.
4. To date, no new information or communication has been forwarded to the Planning Division for consideration or review.
5. Based on the lack of information provided thus far, the Planning Division intends to move forward with a recommendation of denial on all CUP applications submitted for the subject site. The tentative date set for public hearing is **February 22, 2011**.

Prior to the tentative date set for Planning Commission hearing, staff would like to meet with you and all applicants on the subject property to gather your collective input and explore ways in which the project site can possibly be brought into compliance with applicable zoning codes. This information can then be assessed and possibly brought before the Planning Commission for their review and consideration. You are invited to attend this meeting to be held at City Hall, Executive Conference Room (upstairs near Council Chambers), 701 E. Carson Street, on **Wednesday, January 26, 2011 at 1:30 p.m**.

A copy of the letter sent to you August 17, 2010 is included with this correspondence. Please review the letter as it contains pertinent information regarding known tenants at the site and application requirements you are expected to cooperate in facilitating on behalf of your tenants.

Please contact me if you may have any questions on the above. Please phone me at **310-952-1700 extension 1810**, or email snewberg@carson.ca.us.

Sincerely,

Steve Newberg, AICP, Associate Planner

cc: address file; property cup files

enc: August 17, 2010 Planning Division Correspondence to Property Owner (Botach Management)