



## CITY OF CARSON PLANNING COMMISSION STAFF REPORT

PUBLIC HEARING: July 10, 2012

SUBJECT: Conditional Use Permit No. 831-10

APPLICANT: Reggie Guinto  
3341 E. 61<sup>st</sup> Street  
Long Beach, CA 90805

REQUEST: To consider revocation of Conditional Use Permit No. 831-10 for an auto repair business on a site located in the ML-D (Manufacturing, Light – Design Overlay) zoning district

PROPERTY INVOLVED: 21012 South Main Street

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### COMMISSION ACTION

☐ Concurred with staff

☐ Did not concur with staff

☐ Other

### COMMISSIONERS' VOTE

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

***Item No. 11C***

## **I. Introduction**

On December 13, 2011, the Planning Commission adopted Resolution No. 11-2412 approving Conditional Use Permit (CUP) No. 831-10 to allow an existing auto repair use (International Auto Body) to continue provided that strict performance standards are followed within a 12-month time period (Exhibit No. 2 and Exhibit No. 3).

The property is located at 21012 South Main Street. The existing auto repair use is operated by Luis Gutierrez and the site is owned by the applicant, Mariechelle Guinto. On May 15, 2012, the city received a letter dated May 4, 2012 from the applicant giving power of attorney regarding all matters, communications, property and business transactions for 21012 South Main Street to Regino (Reggie) Guinto (Exhibit No. 4).

## **II. Background/Analysis**

Since December 13, 2011, the applicant has removed unpermitted signage and submitted for sign permits on February 27, 2012.

Prior to the December 13, 2011 public hearing meeting, the applicant submitted for demolition/building permits for the unpermitted additions and improvements on October 31, 2011, and electrical permits for the unpermitted spray booth on June 12, 2011. The demolition/building permits for the unpermitted structures have been reviewed by building and safety and are awaiting planning approval to issue permits.

The applicant picked up electrical permit corrections for the spray booth on August 30, 2011, and has not resubmitted. In addition, the applicant has not submitted for required building permits for the spray booth (Exhibit No. 5).

On January 18, 2012, staff conducted a meeting with the applicant and representative to discuss revising the site plan to meet the requirements of the Planning Commission. At that time, the applicant was informed that a restrictive covenant is required if they choose to retain the unpermitted canopy addition (Exhibit No. 9). The restrictive covenant is required because the unpermitted canopy increases the required parking due to the added square footage. It is only by considering the area under the canopy and within the structure as a "service bay for auto repair use" that the canopy can be permitted and found to be in substantial conformance with the parking standards in the Carson Municipal Code. The restrictive covenant would allow the auto repair use to continue, however would not allow the auto repair use to terminate and an alternate commercial or industrial use to occupy the site unless the canopy were removed or code compliant parking was provided. If the applicant decided to keep the canopy, staff advised that the restrictive covenant must be signed, notarized, and recorded with the County Recorder prior to the approval of a site plan and issuance of building permits. Staff cautioned the applicant to consider the restrictions associated with the covenant combined with the potential costs to bring the structure up to code.



The total permitted building area at the site is 3,002 square feet. The CMC requires parking to be provided at one space per 500 square feet for general industrial and manufacturing types of uses which would result in the requirement of 6 parking spaces. The current site plan only provides 5 parking spaces. Therefore, the property is already legal, nonconforming related to parking and no additions would be permitted unless parking requirements could be satisfied. It should be noted that the canopy was constructed in the 1990s without planning approval or building permits. The 1,406 square foot canopy would not have been permitted since it would have resulted in a parking deficiency. The standard application of the CMC would require an additional 3 spaces to the existing 5 spaces. Without the recording of a restrictive covenant limiting the property to auto repair use, the applicant will need to remove the unpermitted canopy since the property could not be found in compliance with the required CMC parking standards.

In February 2012, the applicant submitted a draft site plan for staff's review. On February 14, 2012, a site visit was conducted by staff and the City Manager with Reggie Guinto. The issues related to unpermitted structures and parking deficiencies were discussed in detail.

On April 2, 2012, staff reminded the applicant and representative via email that the restrictive covenant is needed prior to the approval of the site plan and issuance of building permits. A reminder email was sent again on April 11, 2012 and April 17, 2012. On April 26, 2012, the applicant responded that Reggie Guinto would pick up the restrictive covenant. The applicant did not pick up the restrictive covenant as agreed upon (Exhibit No. 6).

On April 20, 2012, city staff received a letter from the business operator, Luis Gutierrez, stating that Reggie Guinto has been hired as a caretaker for the business and that he will be residing at the site. Staff immediately contacted the applicant and business operator by telephone and informed that a caretaker is not permitted on the site per the Planning Commission's conditions. Following subsequent conversations, staff mailed a formal letter on May 9, 2012, reminding the applicant of the conditions of approval required by the Planning Commission's (Exhibit No. 7).

On May 24, 2012, staff conducted a site inspection to verify the removal of a residential use/caretaker's residence. Staff confirmed a residential use does not exist at the site. At that time, staff presented Reggie Guinto with another copy of the restrictive covenant and reminded him of the purpose for it. Staff agreed to give another 14 days so that Mr. Guinto could review the covenant and sign, notarize, and have it recorded. A formal letter confirming staff's discussion and agreement between Mr. Guinto was mailed out later that day (Exhibit No. 8).

Subsequently, Mr. Guinto notified staff that he does not agree with the restrictive covenant and would not remove the unpermitted canopy to address the insufficient parking.

For the past several months the applicant has been in violation of Condition Nos. 24, 25, 26, 27, 30, and 31 of Resolution No. 11-2412 which requires the removal of unpermitted structures/bathrooms, building permits for the unpermitted additions/improvements, and permits for the unpermitted spray booth.

After attempts to contact the applicant to sign the restrictive covenant and providing the applicant with several opportunities for compliance, the project is at an impasse with the applicant refusing to accept the restrictive covenant and not meeting the timeline described in the performance schedule. Thus, staff has proceeded with scheduling this item for revocation.

Below is an update of the performance schedule within Resolution No. 11-2412:

Deadline (From the date of CUP approval, unless otherwise noted)	Performance Standards	Status
30 days (January 13, 2012)	Remove all unpermitted signage.	Completed on February 27, 2012
30 days (January 13, 2012)	Submit for sign permits, if applicable.	Completed on February 27, 2012
30 days (January 13, 2012)	Submit to Building and Safety for demolition and building permits, if not already done so.	Completed on October 31, 2012
60 days from the issuance of the demolition permit	Remove/modify the full bath to a half bath. Remove the unpermitted bathroom in the rear.	Not satisfied.  Building permit cannot be issued without a signed deed restriction or modifications to the site plan to accommodate required parking.
60 days (February 13, 2012)	Submit a landscaping and irrigation plan.	Completed on April 16, 2012
60 days (February 13, 2012)	Submit a site plan and floor plan to Planning Division.	Completed in February 2012  Site plan and floor plan submitted, but building permits cannot be issued without a signed deed restriction or modifications to the site plan to accommodate required parking.
60 days from the date of site plan and floor plan approval.	Repair all broken concrete/asphalt. Level parking area. Obtain any grading permits, if necessary.	Not satisfied.
60 days from the date of landscape plan approval	Install landscaping and irrigation.	Not satisfied.
60 days (February 13, 2012)	Obtain permits from Building and Safety for the spray booth.	Not satisfied.  Electrical permits and Building permits are required. Applicant submitted for electrical permits on June 12, 2011 and picked up corrections on August 30, 2011.



90 days from the date of site plan and floor plan approval.	Provide striping for parking spaces and meet ADA requirements.	Not satisfied.
120 days (April 13, 2012)	Satisfy the recommendations and safety concerns identified in the Property Inspection Report.	Not satisfied.
180 days (June 13, 2012)	Obtain building permits for the unpermitted roof.	Not satisfied.
8 months (August 13, 2012)	Begin the demolition of unpermitted partitions, unpermitted addition to the rear, and unpermitted addition to the north. Must obtain proper permits from Building and Safety prior to any construction/demolition.	Building permits cannot be issued without a signed deed restriction or modifications to the site plan to accommodate required parking.
11 months (November 13, 2012)	Complete any remaining construction and/or tenant improvements. Complete any interior improvements such as closing off doors, repairing walls, etc. to meet building code requirements.	Building permits cannot be issued without a signed deed restriction or modifications to the site plan to accommodate required parking.
12 months (December 13, 2012)	Complete any necessary façade improvements. Install gates, fences, etc. (if necessary). Request a site inspection to Planning and pay applicable fees.	

### III. Conclusion

It is staff's opinion that the applicant has been given more than enough time to comply and staff has provided fair and reasonable timelines, opportunities, and options for the applicant. The applicant has expressed a refusal to agree to the restrictive covenant or demolish the unpermitted canopy, thus staff believes the Planning Commission has sufficient cause to revoke the CUP at this time and forward the outstanding violations to code enforcement for abatement. As an alternative, the Planning Commission can modify the prior approval of Conditional Use Permit No. 831-10 by requiring the unpermitted canopy to be removed and provide the applicant until August 14, 2012 to comply with all outstanding requirements.

### IV. Recommendation

Staff recommends that the Planning Commission chose one of the following options:

1. REVOKE Conditional Use Permit No. 831-10; and


WAIVE further reading and ADOPT Resolution No. 12-\_\_\_, entitled "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON REVOKING APPROVAL OF CONDITIONAL USE PERMIT NO. 831-10 FOR A VEHICLE SERVICE AND AUTO REPAIR USE LOCATED AT 21012 SOUTH MAIN STREET."

2. Modify Resolution No. 11-2412 by adding a condition to require the removal of the unpermitted canopy and to continue the public hearing until August 14, 2012 to allow the applicant to demolish the canopy and demonstrate compliance with all outstanding conditions of approval.

**V. Exhibits**

1. Draft Resolution for Revocation
2. Approved Resolution No. 11-2412
3. Planning Commission Minutes, dated December 13, 2011
4. Power of Attorney Letter dated May 4, 2012
5. Building Permit Inquiry Sheet
6. Email Communications
7. Appointed of Caretaker and Response Letter, dated May 9, 2012
8. Confirmation letter of agreement and possible revocation, dated May 24, 2012
9. Copy of Restrictive Covenant


**Prepared by:**

  
Sharon Song, Associate Planner

**Reviewed by:**

  
John F. Signo, AICP, Senior Planner

**Approved by:**

  
Sheri Repp-Loadsman, Planning Officer



CITY OF CARSON  
PLANNING COMMISSION  
RESOLUTION NO. 12-

A RESOLUTION OF THE PLANNING COMMISSION OF THE  
CITY OF CARSON REVOKING CONDITIONAL USE PERMIT  
NO. 831-10 FOR A VEHICLE SERVICE AND AUTO REPAIR  
USE LOCATED AT 21012 SOUTH MAIN STREET

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

**Section 1.** An application was duly filed by Mariechell Guinto, with respect to real property located at 21012 South Main Street, and described in Exhibit "A" attached hereto, requesting the approval of Conditional Use Permit (CUP) No. 831-10 to authorize the continued operation of an existing auto repair use in the ML-D (Manufacturing, Light - Design Overlay) zoning district. The use is within 100 feet of a residential zone and thus requires approval of a CUP per Section 9138.2 of the Carson Municipal Code (CMC).

On December 13, 2011, the Planning Commission held a duly noticed public hearing at 6:30 p.m. at City Hall, Council Chambers, 701 East Carson Street, Carson, California. The Planning Commission opened the public hearing, received public testimony, considered the issues discussed, and at the conclusion of the public hearing adopted Resolution No. 11-2412 approving CUP No. 831-10. The approval included conditions of approval that required certain performance standards be met within an allotted period of time. Failure to meet those performance standards are grounds for revocation.

Subsequently, staff worked with the applicant to complete the performance standards and satisfy all the conditions. The applicant was required to demolish an unpermitted canopy because the additional square footage warranted additional parking spaces and took up the only area where additional parking could be provided. Alternatively, the applicant was given the option to keep the canopy provided a restrictive covenant is signed and recorded limiting the use at the site to vehicle service and auto repair. Other uses would be considered only if additional parking were made available. The applicant decided not to demolish the canopy nor sign the restrictive covenant. As such, the project reached an impasse that could not be resolved between staff and the applicant.

On July 10, 2012, the Planning Commission held a regularly scheduled meeting at 6:30 p.m. at City Hall, Council Chambers, 701 East Carson Street, Carson, California, to consider revocation of CUP No. 831-10. 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.** Pursuant to Planning Commission Resolution No. 11-2412, the Planning Commission may conduct a meeting for revocation if any of the conditions of approval are found to be in violation. Included in the conditions are performance standards that must be satisfied within an allotted time.

The Planning Commission finds that the applicant has been given ample time, but has failed to meet the requirements in the conditions of approval within the allotted time. Condition nos. 24, 25, 26, 27, 30, and 31 of Resolution No. 11-2412 state:

EXHIBIT NO. 1 -



24. Within 30 days from the date of CUP approval, the owner/applicant shall submit to Building and Safety for demolition and/or building permits for all unpermitted structures including, the unpermitted additions to the rear, unpermitted bathroom in the room, removal/modification of the full bath to half bath, unpermitted addition to the north, unpermitted roof, and interior improvements.
25. Within 60 days from the issuance of the building permit, the property owner shall remove the unpermitted bathroom in the rear and modify/remove the full bath to a half bath.
26. Within 60 days from the date of CUP approval, the owner/applicant shall submit a floor plan, site plan, and landscape/irrigation plan to the Planning division for review and approval.
27. Within 60 days from the date of site plan and floor plan approval, the applicant/owner shall repair all broken concrete/asphalt on-site and level the parking area. The applicant must also obtain any grading permits, if necessary.
30. Within 60 days from the date of CUP approval, the owner/applicant must obtain proper permits from Building and Safety for the spray booth.
31. Within 180 days from the date of CUP approval, the owner/applicant must obtain building permits for the unpermitted roof.

The applicant was made aware of the required conditions of approval at the Planning Commission hearing on December 13, 2011. On June 20, 2012, planning staff notified the applicant and property owner by registered mail of the violations and referral to the Planning Commission for possible revocation.

**Section 4.** Pursuant to Section 15321(a) of the California Environmental Quality Act (CEQA) Guidelines, the enforcement action by a regulatory agency to revoke entitlements is categorically exempt.

**Section 5.** Based on the aforementioned findings, the Commission finds the applicant is in violation of the conditions of approval included in Resolution No. 11-2412 and hereby revokes approval of CUP No. 831-10 with respect to the property described in Section 1 hereof. The applicant shall cease all auto repair activities and the property must be vacated within 30 days of the adoption of this Resolution.

**Section 6.** The Secretary 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 10<sup>th</sup> DAY OF JULY, 2012**

\_\_\_\_\_  
**CHAIRMAN**

**ATTEST:**

\_\_\_\_\_  
**SECRETARY**





EXHIBIT "A"

DESCRIPTION:

THE FOLLOWING DESCRIBED REAL PROPERTY IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA:

THE WESTERLY 125 FEET OF LOT 36 OF TRACT NO. 5927, IN THE CITY OF CARSON COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 64, PAGE 58 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY

EXCEPT 50 PER CENT OF ALL OIL, OR MINERALS, OR OTHER REMOVABLE NATURAL PROPERTY OF VALUE THAT MAY EXIST BELOW THE SURFACE OF SAID DESCRIBED PROPERTY, TOGETHER WITH THE RIGHTS OF NECESSARY INGRESS AND EGRESS, OVER AND ACROSS THE SURFACE OF SAID DESCRIBED PROPERTY FOR THE PURPOSE OF EXPLORATION, DEVELOPMENT AND OR DISPOSITION OF ANY DISCOVERED NATURAL RESOURCES THIS 50 PERCENT RESERVATION SHALL EXTEND TO AND BECOME A PART OF ANY COMMUNITY LEASE, GROUP AGREEMENT, OR OTHER AGREEMENT THAT THE GRANTEE MAY ENTER INTO AS RESERVED BY RAY DEWANE AND REGINA DEWANE, HUSBAND AND WIFE, IN DEED RECORDED FEBRUARY 23, 1951 IN BOOK 35637 PAGES 53 AND 54 OF OFFICIAL RECORDS.

ALSO EXCEPT ALL OIL AND MINERAL RIGHTS TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS FOR THE PURPOSES OF EXPLORATION, DISCOVERY, PRODUCTIONS, DELIVERY, OR ANY OTHER ACT THAT MAY BE NECESSARY TO DEVELOP, TO PRODUCE AND DISTRIBUTE ANY OIL, OR MINERAL THAT MAY BE DISCOVERED BELOW THE SURFACE OF SAID DESCRIBED PROPERTY AS RESERVED BY A E HAYES AND MARY PAULINE HAYES, HUSBAND AND WIFE, IN DEED RECORDED FEBRUARY 28, 1951 IN BOOK 35679, PAGE 217, OFFICIAL RECORDS.

APN: 7334-001-041

LEGAL DESCRIPTION

All that certain real property in the County of LOS ANGELES, State of California, described as follows:

THE SOUTH HALF OF THE WESTERLY 125 FEET OF LOT 35 OF TRACT NO. 5927, IN THE CITY OF CARSON, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 64, PAGE 58 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

APN No: 7334-001-051

CITY OF CARSON  
PLANNING COMMISSION  
RESOLUTION NO. 11-2412

A RESOLUTION OF THE PLANNING COMMISSION OF THE  
CITY OF CARSON APPROVING CONDITIONAL USE PERMIT  
NO. 823-10 TO PERMIT AN EXISTING VEHICLE SERVICE AND  
REPAIR USE LOCATED AT 20922 SOUTH MAIN STREET

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

Section 1. An application was duly filed by Marichelle Guinto, with respect to real property located at 21012 South Main Street, and described in Exhibit "A" attached hereto, requesting the approval of Conditional Use Permit No. 831-10 to authorize the continued operation of an existing auto repair use in the ML-D (Manufacturing, Light - Design Overlay Review) zoning district.

A public hearing was duly held on December 13, 2011, at 6:30 P.M. at City Hall, Council Chambers, 701 East Carson Street, Carson, California. A notice of time, place and purpose of the aforesaid meeting was duly given. Evidence, both written and oral, was duly presented to and considered by the Planning Commission at the aforesaid meeting.

Section 2. The Planning Commission finds that:

- a) The property lies within the area designated on the General Plan as available for Light Industrial uses and bears a consistent zoning classification of ML-D (Manufacturing, Light – Design Overlay). The existing auto repair business adheres to the goals and policies described in the Land Use Element of the General Plan for the Light Industrial designation and is also a permitted use in the ML-D zone with the approval of a conditional use permit, subject to the requirements of Carson Municipal Code (CMC) Section 9138.2.

The project site is located within 100 feet of residential uses, therefore under CMC Section 9138.2 is required to obtain a conditional use permit.

- b) The subject site is square, flat, and located within a built and urbanized environment with adequate utilities to accommodate the existing use and development. With the implementation of conditions of approval and correction of code violations, the subject property will have sufficient space to accommodate the proposed use and provide adequate driveways and access.
- c) The project involves acquiring a CUP for the operation of an existing auto repair facility. The site will continue to provide adequate street access and traffic capacity. With the implementation of conditions of approval, the site will provide adequate parking spaces and not have a significant impact on traffic. Designated driveways and parking areas will provide adequate and safe circulation of vehicles and pedestrians on site and serve the facility.
- d) The applicant has submitted plans for improvements, which include repairing of parking area, restriping of the parking areas, removal of unpermitted structures, construction of landscaping, and removal of unpermitted signage. These



improvement, will improve the general area and be compatible with the intended character of the area.

- e) The existing facility provides adequate access for emergency vehicles, including the Fire Department and adequate water supply is provided in the area for fire protection.
- f) Conditions of Approval are included in Exhibit "B" of this Resolution which identify performance standards and a schedule for implementation to improve the site and meet all code requirements within twelve (12) months.
- g) The applicant acknowledges that if any performance standard is not satisfied within the schedule time period or the site does not satisfy all requirements within twelve (12) months, the CUP may become null/void and any auto repair use on site must vacate within 30 days from the date the CUP is deemed invalid.
- h) If all performance standards are completed within the time allowed, the Planning Commission shall review the CUP to determine if an extension of time can be authorized pursuant to the applicable findings to ensure the use is still consistent with the existing and intended character of area. The CUP may expire at the end of the twelve (12) month term unless the Planning Commission is able to make affirmative findings to support an extension to the permit.
- i) The use will comply with the City's development standards for auto repair facilities as outlined in Section 9138.2 of the CMC, unless modified by the conditions of approval set forth in Exhibit "B" attached hereto.

**Section 3.** The Planning Commission further finds that the proposed use will not have a significant effect on the environment. The proposed use will not alter the character of the surrounding area and will meet or exceed all City standards for protection of the environment. Therefore, the proposed project is found to be categorically exempt under Section 15301(a) of the CEQA (California Environmental Quality Act) Guidelines.

**Section 4.** Based on the aforementioned findings, the Commission hereby approves Conditional Use Permit No. 831-10 with respect to the property described in Section 1 hereof, subject to the conditions set forth in Exhibit "B" attached hereto.

**Section 5.** The Secretary shall certify to the adoption of the Resolution and shall transmit copies of the same to the applicant.

**Section 6.** 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 13<sup>th</sup> DAY OF DECEMBER, 2011

CHAIRMAN

ATTEST:

SECRETARY



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DESCRIPTION:

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APN No: 7334-001-051

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CITY OF CARSON  
ECONOMIC DEVELOPMENT  
PLANNING DIVISION  
EXHIBIT "B"  
CONDITIONS OF APPROVAL  
CONDITIONAL USE PERMIT NO. 831-10

GENERAL CONDITIONS

1. Upon activation, the Conditional Use Permit pursuant to this resolution shall become null and void if any of the conditions of approval and/or performance standards are not satisfied or completed within the allotted time.
2. The applicant shall comply with all city, county, state and federal regulations applicable to this project.
3. The applicant shall make any necessary site plan and design revisions to the site plan and elevations approved by the Planning Commission in order to comply with all the conditions of approval and applicable Zoning Ordinance provisions. Substantial revisions will require review and approval by the Planning Commission. Any minor revisions shall be reviewed and approved by the Planning Division prior to Building and Safety plan check submittal.
4. The applicant and property owner shall sign an Affidavit of Acceptance form and submit the document to the Planning Division within 30 days of receipt of the Planning Commission Resolution.
5. It is further made a condition of this approval that if any condition is violated or if any law, statute ordinance is violated, this permit may be revoked by the Planning Commission or City Council, as may be applicable; provided the applicant has been given written notice to cease such violation and has failed to do so for a period of thirty days.
6. The property owner and/or tenant shall comply with the city's standard requirements for a business license prior to the transferring of an existing or establishment of a new auto repair business. The Planning Division shall review any business license application to ensure the new use does not result in a substantial change from the current auto repair use. Substantial changes shall require a modification from the Planning Commission prior to the approval/issuance of the business license.
7. All operations such as work or repair on vehicles must be conducted on-site within an enclosed building, not visible to the public.



8. All damaged or wrecked vehicles awaiting repair shall effectively be screened so as not to be visible from surrounding property or from any adjoining public street or walkway.
9. No residential use shall be permitted on-site at any time.
10. All repair activities shall be confined to the hours between 7:00 a.m. to 9:00 p.m. daily.
11. No auto repair activities are permitted in areas visible to the public.
12. 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 seventy-two (72) hours.
13. Prevent storm water pollutants of concern such as oil and grease, solvents, car battery acid, coolant and gasoline from entering into the storm water conveyance system.
14. Avoid hosing down work areas. If work areas are washed, collect and store wash water and dispose appropriately, according to state law. Use dry sweeping if possible.
15. Designate a special area to drain and replace motor oil, coolant, and other fluids, where there are no connections to the storm drain or the sanitary sewer, and drips and spills can be easily cleaned up, if applicable.
16. Post signs at sinks to remind employees not to pour wastes down drains.
17. The owner/applicant shall provide for public use storage tanks to hold used automotive oil for recycling purposes in accordance to industry "Best Management" practices. The Planning Division shall approve the location for company "used oil recycling" services.
18. In accordance with Ordinance No. 04-1322, the applicant has provided a property inspection report for the site which identify potential plumbing, electrical and fire code deficiencies. The report also includes plans to eliminate or mitigate any deficiencies identified. The mitigation measures in such report shall be hereby incorporated in these conditions of approval within 120 days permitted to allow for the mitigation measures, if any, to be completed subject to the Planning Division's review and approval.
19. Applicant shall defend, indemnify and hold harmless the City of Carson, its agents, officers, or employees from any claims, damages, action, or proceeding against the City or its agents, officers, or employees to attack, set aside, void or annul, and approval of the City, its advisory agencies, appeal boards, or legislative body concerning Conditional Use Permit No. 831-10. The City will promptly notify the Applicant of any such claim, action, or proceeding against the City and the Applicant will either undertake defense of the matter and pay the



City's associated legal costs or will advance funds to pay for defense of the matter by the City Attorney. The City will cooperate fully in the defense. Notwithstanding the foregoing, the City retains the right to settle or abandon the matter without the Applicant's consent but should it do so, the City shall waive the indemnification herein, except, the City's decision to settle or abandon a matter following an adverse judgment or failure to appeal, shall not cause a waiver of the indemnification rights herein.

**Performance Standards** – *The applicant shall be responsible for satisfying the following performance standards within the allotted time (performance schedule is provided below):*

20. Conditional Use Permit No. 831-10 shall be subject to a full review by the Planning Commission no later than twelve (12) months from the date of Planning Commission approval. The applicant shall submit a request for review of the CUP. Review of the CUP will be pursuant to CMC Section 9172.21(G) – Subsequent Modifications of Conditions. The Planning Commission shall consider the continuation of the auto repair use to determine compatibility and appropriate operating conditions or standards after the 12-month period. A public hearing need not be required unless requested by the applicant, Director, Commission or Council. Applicable fees shall apply.
21. If a request for review of the CUP is not submitted to the Planning Division within twelve (12) months from the date of Planning Commission approval, the CUP pursuant to this resolution may become null and void and any auto repair use on site must be vacated within 30 days from the date the CUP is deemed invalid.
22. Upon activation, the conditional use permit pursuant to this resolution shall become null and void if the applicant fails to satisfy the performance standards within the allotted time. If the CUP is deemed null and void, all auto repair activities must be vacated within 30 days from the date the CUP is deemed invalid.
23. Within 30 days from the date of CUP approval, the applicant shall remove all unpermitted on-site signage. The owner/applicant shall apply for a separate sign and/or banner permits, if applicable. Approval of said permit shall be subject to Planning Division's review and approval for proper size, height, type, material, and design standards to be applied consistently with the ML-D (Industrial, Light – Design Overlay) zoning district.
24. Within 30 days from the date of CUP approval, the owner/applicant shall submit to Building and Safety for demolition and/or building permits for all unpermitted structures including, the unpermitted additions to the rear, unpermitted bathroom in the room, removal/modification of the full bath to half bath, unpermitted addition to the north, unpermitted roof, and interior improvements.



25. Within 60 days from the issuance of the building permit, the property owner shall remove the unpermitted bathroom in the rear and modify/remove the full bath to a half bath.
26. Within 60 days from the date of CUP approval, the owner/applicant shall submit a floor plan, site plan, and landscape/irrigation plan to the Planning division for review and approval.
27. Within 60 days from the date of site plan and floor plan approval, the applicant/owner shall repair all broken concrete/asphalt on-site and level the parking area. The applicant must also obtain any grading permits, if necessary.
28. Within 60 days from the date of landscape plan approval, the applicant/owner must install landscaping according to the approved plan. All landscaping shall be maintained by an automatic drip irrigation system.
29. Within 90 days from the date of site plan and floor plan approval, the owner/applicant shall stripe parking spaces for the appropriate number of parking spaces and bumper stops per the approved site plan and as required in the Carson Municipal Code. All ADA requirements must also be satisfied.
30. Within 60 days from the date of CUP approval, the owner/applicant must obtain proper permits from Building and Safety for the spray booth.
31. Within 180 days from the date of CUP approval, the owner/applicant must obtain building permits for the unpermitted roof.
32. Within 8 months from the date of CUP approval, the owner/applicant must begin demolition/construction of all unpermitted partitions, unpermitted additions to the rear and north. The owner/applicant must obtain proper permits from Building and Safety prior to any construction/demolition.
33. Within 11 months from the date of CUP approval, the owner/applicant must complete any remaining construction and/or tenant improvements. All interior improvements such as closing off doors, repairing walls must meet building code requirements.
34. Within 12 months from the date of CUP approval, the owner/applicant must complete any necessary façade improvements, such as installing gates, fences, repairing/painting areas that were affected by construction.
35. Within 12 months from the date of CUP approval, the owner/applicant must request and pay for a site inspection to the Planning Division.
36. The Planning Commission may revoke this conditional use permit pursuant to this resolution if the application fails to satisfy the performance standards within the allotted time. If the CUP is deemed null and void, all auto repair activities must be vacated within 30 days from the date the CUP is deemed invalid.





37. The applicant may not submit for an extension of time.

BUSINESS LICENSE DEPARTMENT – CITY OF CARSON

38. All construction must be completed by a licensed contractor.
39. Per section 6310 of the Carson Municipal Code, all parties involved in the project, including but not limited to contractors and subcontractors, will need to obtain a City Business License.

Performance Schedule

Deadline (From the date of CUP approval, unless otherwise noted)	Performance Standards
30 days	Remove all unpermitted signage.
30 days	Submit for sign permits, if applicable.
30 days	Submit to Building and Safety for demolition and building permits, if not already done so.
60 days from the issuance of the demolition permit	Remove/modify the full bath to a half bath. Remove the unpermitted bathroom in the rear.
60 days	Submit a landscaping and irrigation plan.
60 days	Submit a site plan and floor plan to Planning Division.
60 days from the date of site plan and floor plan approval.	Repair all broken concrete/asphalt. Level parking area. Obtain any grading permits, if necessary.
60 days from the date of landscape plan approval	Install landscaping and irrigation.
60 days	Obtain permits from Building and Safety for the spray booth.
90 days from the date of site plan and floor plan approval.	Provide striping for parking spaces and meet ADA requirements.
120 days	Satisfy the recommendations and safety concerns identified in the Property Inspection Report.
180 days	Obtain building permits for the unpermitted roof.
8 months	Begin the demolition of unpermitted partitions, unpermitted addition to the rear, and unpermitted addition to the north. Must obtain proper permits from Building and Safety prior to any construction/demolition.
11 months	Complete any remaining construction and/or tenant improvements. Complete any interior improvements such as closing off doors, repairing walls, etc. to meet building code requirements.
12 months	Complete any necessary façade improvements. Install gates, fences, etc. (if necessary). Request a site inspection to Planning and pay applicable fees.



## MINUTES

### CITY OF CARSON REGULAR MEETING OF THE PLANNING COMMISSION CITY COUNCIL CHAMBERS, CARSON CITY HALL

701 East Carson Street, Second Floor  
Carson, CA 90745

December 13, 2011 – 6:30 P.M.

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#### 11. PUBLIC HEARING

##### B) Conditional Use Permit No. 831-10

###### Applicant/Property Owner:

The applicant, Mariechelle Guinto, is requesting to approve an auto repair business on a site located in the ML-D (Manufacturing, Light – Design Overlay) zoning district. The subject property is located at 21012 South Main Street.

###### Staff Report and Recommendation:

Associate Planner Song presented staff report and the recommendation to DENY Conditional Use Permit No. 831-10; and WAIVE further reading and ADOPT Resolution No. 11-2412, entitled, "A Resolution of the Planning Commission of the city of Carson denying Conditional Use Permit No. 831-10 for this continued vehicle service and repair use located at 21012 South Main Street."

Chairman Faletogo highlighted the applicant's letter (of record) to the Commission which addresses the applicant's belief they have been unfairly treated by city staff.

Associate Planner Song listed and addressed each item the applicant has yet to complete, including those processes required by the Building and Safety Department. She added that the applicant also failed to obtain permits for some of the work they undertook; and noted that the violations are outlined in a table on Page 14 of staff report.

Planning Officer Repp explained that it is always difficult when a property owner/business owner has a number of violations that need to be addressed and struggling to come up with the financing to comply. She reminded the Commission that the auto repair use ordinance was first adopted in 2009 and that there have been several property owners who have complied with the new ordinance; however, there are still some businesses and property owners who have not fully complied. She stated that there have been several workshops and code enforcement actions in order to gain compliance; and that when a more assertive approach becomes necessary, sometimes the property owners/business owners become protective and defensive. Planning Officer Repp stated that Associate Planner Song has been diligent in doing her job, and that she believes staff has done everything this Commission has deemed necessary in order to gain compliance; and she encouraged the Commission to maintain the adopted

standards for compliance. She pointed out the issues concerning the safety standards on this site, noting that allowing these issues to go on for another 12 months is considered very lenient and generally not a good policy.

City Attorney Wynder added that this site is a chronic code violation property, expressing his belief that staff has exercised remarkable restraint and that, in his opinion, they do not deserve to do business at this location if they continue to not comply with these standards. He added that another remarkable showing of restraint is the prosecutor has only charged them with a misdemeanor. He added that staff has done its job and because of the chronic nature of these violations, staff is reminding them of each of the steps in the process. He stated that the applicant cannot go halfway through the list of violations and think the problems at this site are cured and that acting without the benefit of permits is not the way an orderly development in a community exists. He stated he is troubled by this applicant's nonconforming activities. He pointed out that a letter from staff stating that if they do not comply with the law, they will face legal action is not considered a threat, it is a letter that is sent to obtain compliance with the City's codes; and that giving an applicant a deadline with which to comply is a legal standard by which a legal prosecutor enforces the law.

City Attorney Wynder also added that Carson's businesses must comply with the National Pollutant Discharge Elimination System (NPDES) permit program, which controls water pollution by regulating point sources that discharge pollutants into waters of the United States. He added there are some serious consequences to violating this program, not only for the businesses but also for the city of Carson.

Commissioner Saenz stated there are a lot of businesses on Main Street that are not complying with the City's codes and that this applicant feels this is selective enforcement.

City Attorney Wynder pointed out that every city is facing the impacts of limited financial resources to bring businesses into compliance, but added that when the City finds violations, it must address those violations; and concluded this has all been done appropriately with this site.

Commissioner Verrett stated that the most serious violations should be dealt with as soon as possible and that the applicant should be given adequate time to comply with the nonconformities.

Commissioner Diaz stated that the Commission directed staff at the prior meeting to return with a resolution the Commission could vote on; that the Commission gave clear direction and instructions to staff to prepare a performance schedule to complete the conditions of approval in the next 12 months; he expressed his belief that what staff has presented this evening has concisely met what the Commission asked of staff; and he stated that this matter should move forward.

Commissioner Schaefer expressed her belief staff is doing exactly what the Commission directed staff to do as residents of the community and stated she feels uncomfortable with the applicant's letter; and expressed her belief that staff deserves the Commission's compliments for the work they have done to get this property into compliance.

Associate Planner Song reiterated that staff is continuing to recommend denial of the CUP because of lack of compliance and a lack of good faith effort to meet the standards.

Commissioner Diaz advised he visited with the business operator who showed him around the site, noting his appreciation of the operator's time.

Commissioner Goolsby stated that he also visited the site and looked from the front, noting this site looks better than most on Main Street.

Commissioner Verrett noted she would support extending the time given to the applicant to complete any necessary improvements.

Chairman Faletogo opened the public hearing.

Mariechelle Guinto, property owner, stated it is her intent to comply and fix the violations that were presented to her from the last meeting, but stated that there are additional items on the performance schedule she was not aware of and that she feels she needs more time to determine the cost to fix those violations, such as the roof. She stated she is overwhelmed with the number of violations that need to be fixed; advised that she does not know how much all of this will cost; and that she feels uncomfortable in saying what she will ultimately be able to complete given her finances. She stated that the largest expense will likely be to fix or remove the roof structure; and stated that while she will agree to fix the nonconformities, she is not sure if she will have the finances to complete the list. She also addressed her concern that many unforeseen things can happen within the next 12 months and that if she needs a little additional time, she would like to ask for that extension if need be.

Ms. Guinto noted for Commissioner Brimmer that her father operated the business from this site for many years up until last year and confirmed that she is now the property owner. She reiterated that she became aware of all these issues about four to five months ago and that she feels overwhelmed. She stated that she received a letter from the City's prosecutor's office after the last hearing and that she is confused with the timing of that letter. She advised that no one is living on site at this time. She reiterated that her biggest concern is the cost of bringing the roof structure into compliance and believes she hasn't been given enough time to research how much all of these repairs are going to cost her.

Planning Officer Repp pointed out that the roof is a very large unpermitted structure that must be brought up to code, and if the applicant does not have the funds to bring it up to code, then the next option would be to remove the structure.

Commissioner Diaz asked the applicant if she is in concurrence with the conditions of approval and the performance schedule.

Ms. Guinto stated she is in concurrence with everything except with the roof structure because of its unknown cost to bring it into conformance.

Vice-Chairman Gordon asked staff why the applicant was only notified of the roof a few weeks ago.

Associate Planner Song explained that the applicant was made aware that any unpermitted structure would need to be addressed and has been included in the performance schedule. She added that up to a certain time, staff was working with her father, who was aware of the roof condition.

Chairman Faletogo closed the public hearing.

Planning Commission Decision:

Commissioner Saenz moved, seconded by Commissioner Diaz, to adopt Resolution of Approval No. 11-2412 to approve the applicant's request for a conditional use permit. (This motion ultimately carried.)

By way of a substitute motion, Commissioner Verrett moved, seconded by Commissioner Saenz, to adopt Resolution of Approval No. 11-2412, giving the applicant 18 months to comply with the roof requirements. (This motion was ultimately withdrawn.)

By way of a substitute motion, Commissioner Verrett moved, seconded by Chairman Faletogo, to adopt Resolution of Approval No. 11-2412, allowing the applicant to return to the Planning Commission with a request for extension of time if the roof is still not in full compliance. (This motion was ultimately withdrawn.)

Planning Officer Repp advised that anyone may seek an extension of a discretionary permit.

The original motion to approve carried, 8-0 (absent Commissioner Williams).



MARIECHELLE GUINTO  
21012 S. Main Street, Carson, CA 90745

May 4, 2012

Mr. John Signo, Senior Planner  
Ms. Sharon Song, Planner  
City of Carson, Planning Dept.  
701 E. Carson St., Carson, CA 90745

Re: SPECIAL POWER OF ATTORNEY

Dear Mr. Signo and Ms. Song:

Effective today, the undersigned hereby appoints REGINO GUINTO, my father, whose signature appears below to act in my behalf in any and all matters, communications, property and business transactions with regards to my commercial property located at 21012 S. Main Street, Carson, CA 90745 which includes the body shop business which is being rented by New International Body Shop.

This Power of Attorney is effective immediately and will continue until it is revoked.



MARIECHELLE GUINTO

PROPERTY OWNER



REGINO GUINTO  
Attorney in Fact

Cell (310) 702-9558

cc: Mr. Luis Gutierrez, owner, New International Body Shop

EXHIBIT NO. 4 -



D A P T S

PROPERTY ACTION INQUIRY/SELECT

07/02/12

BSINIT

11:52:54

PRIMARY PROPERTY IS ASSOCIATED WITH A HOLD

END OF DATA

PAGE 1

LEGAL TYPE/NBR: ST 5927

36

HOLD: Y

SITUS ADDR: 21012 MAIN ST CRSN 907451222

OWNER NAME: VELASQUEZ SCOTT R

OWNER: \_

SITUS: \_

INITIATE PERMIT \_

SEL IDENTIFIER	DESCRIPTION	ISSUED	FINALED	DISPO
_ BL 9809080026	FOAM LETTER SIGN	10/01/98	09/29/99	NORMAL
_ BL 1202270050	FOAM LETTER SIGN	02/27/12	05/23/12	NORMAL
_ BL 1110310055	DEMO UNPERMITTED EXTERIOR AND INTE			NORMAL
_ EL 1108290007	INSTALLING NEW SPRAY BOOTH			NORMAL

DPC905

NEXT TRANSACTION: \_\_\_\_\_

PF1=HELP

EXHIBIT NO. 5 -



D A P T S

GENERAL TEXT UPDATE

07/02/12

BSINIT

12:01:20

\*\*\*\*\*

END OF DATA

PAGE 1

ENTITY

TYPE DESCRIPTION

ENTITY ID

PMT B&S PERMIT

BL 1110310055

TEXT TYPE: DE

DESCRIPTION: DESC OF WORK/PROP SITE

ACTION

GENERAL TEXT

DEMO UNPERMITTED EXTERIOR AND INTERIOR WALLS, REBUILD THE  
TWO EXTERIOR WALLS IN APPROVED LOCATION, REQUIRED DISABLED  
ACCESS UPGRADES.

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DPC660

NEXT TRANSACTION: \_\_\_\_\_

PF1=HELP





## Sharon Song

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**From:** Sharon Song  
**Sent:** Monday, April 02, 2012 9:46 AM  
**To:** 'MIGUEL CASILLAS'  
**Cc:** 'Mariechelle Guinto'  
**Subject:** International Auto Body and Riggs Property

Hi Miguel,

Will you be resubmitting the plans soon for International Auto Body and the Riggs Property? During our last conversation, you stated that you'd submit them last week.

I have the Restrictive Covenant ready for Mariechelle to sign, notarize, and record with the County Assessor so please have her pick this up or you can forward it to her. She will need to record the Restrictive Covenant before I can final the plans.

Let me know if you have any questions. Thanks!

Sharon Song  
Associate Planner  
City of Carson  
701 East Carson Street  
Carson, CA 90745  
(310) 952-1700 ext. 1365  
[ssong@carson.ca.us](mailto:ssong@carson.ca.us)



## Sharon Song

---

**From:** MIGUEL CASILLAS [mactek2005@hotmail.com]  
**Sent:** Wednesday, April 11, 2012 10:01 AM  
**To:** Sharon Song  
**Subject:** RE: International Auto Body

Sounds good. I also submitted two copies with the revised engineering showing the roof extension and all the other corrections to Vic in building and safety for recheck. At least we can get the rest of the corrections going and then hold on to the approved planning sets after we get the covenant recorded.

Thank you for time,

Miguel

---

**Subject:** International Auto Body  
**Date:** Wed, 11 Apr 2012 08:37:08 -0700  
**From:** [ssong@carson.ca.us](mailto:ssong@carson.ca.us)  
**To:** [mactek2005@hotmail.com](mailto:mactek2005@hotmail.com)  
**CC:** [m\\_guinto@hotmail.com](mailto:m_guinto@hotmail.com)

Hi Miguel,

I got your voicemail and the plans you submitted. I'll take a look at them and let you know when they're ready. At that time, you'll have to pick up the restrictive covenant and have the property owner (Mariechelle Guinto) get it signed, notarized, and recorded with the County Assessor's Office.

Sharon Song  
Associate Planner  
City of Carson  
701 East Carson Street  
Carson, CA 90745  
(310) 952-1700 ext. 1365  
[ssong@carson.ca.us](mailto:ssong@carson.ca.us)



## Sharon Song

---

**From:** MIGUEL CASILLAS [mactek2005@hotmail.com]  
**Sent:** Tuesday, April 17, 2012 9:45 AM  
**To:** Sharon Song  
**Subject:** RE: International Auto Body

Hi Sharon,

I would mail the restrictive covenant to Mariechelle. As far as the permit application that will still need to be amended by Mr. Vic Moss on the application to include the small bathroom, roof and any thing else. It will probably be additional fees they have to pay.

Miguel

---

Subject: International Auto Body  
Date: Mon, 16 Apr 2012 17:33:48 -0700  
From: [ssong@carson.ca.us](mailto:ssong@carson.ca.us)  
To: [mactek2005@hotmail.com](mailto:mactek2005@hotmail.com)  
CC: [m\\_quinto@hotmail.com](mailto:m_quinto@hotmail.com)

Hi Miguel,

I looked over the plans and they look ready to be signed. However, before I can sign, I'll need you to submit building permit applications for the bath, roof, and anything else that wasn't addressed in the original permit.

Also, Mariechelle will need to sign the restrictive covenant, get it notarized, and record with the County Assessor's Office. You can pick up the restrictive covenant or I can mail it to Mariechelle. Let me know what is preferred.

I cannot sign the plans until the above requirements are met.

Thanks,

Sharon Song  
Associate Planner  
City of Carson  
701 East Carson Street  
Carson, CA 90745  
(310) 952-1700 ext. 1365  
[ssong@carson.ca.us](mailto:ssong@carson.ca.us)



## Sharon Song

---

**From:** MIGUEL CASILLAS [mactek2005@hotmail.com]  
**Sent:** Wednesday, April 25, 2012 8:32 PM  
**To:** Sharon Song  
**Subject:** RE: International Auto - Restrictive Covenant

Sharon,

He knows that the only thing he needs to pick up is the covenant. I miss typed previous message.

Miguel

---

**Subject:** RE: International Auto - Restrictive Covenant  
**Date:** Wed, 25 Apr 2012 16:06:52 -0700  
**From:** [ssong@carson.ca.us](mailto:ssong@carson.ca.us)  
**To:** [mactek2005@hotmail.com](mailto:mactek2005@hotmail.com)

Miguel,

There are no corrections to pick up. He has to pick up the restrictive covenant.

Sharon Song  
Associate Planner  
City of Carson  
701 East Carson Street  
Carson, CA 90745  
(310) 952-1700 ext. 1365  
[ssong@carson.ca.us](mailto:ssong@carson.ca.us)

---

**From:** MIGUEL CASILLAS [mailto:mactek2005@hotmail.com]  
**Sent:** Wednesday, April 25, 2012 2:37 PM  
**To:** Sharon Song  
**Subject:** RE: International Auto - Restrictive Covenant

Sharon,

Marichelle's dad reggie will pick up the corrections at the front counter thursday morning at

Miguel

---

**Subject:** RE: International Auto - Restrictive Covenant  
**Date:** Tue, 24 Apr 2012 11:26:40 -0700  
**From:** [ssong@carson.ca.us](mailto:ssong@carson.ca.us)  
**To:** [mactek2005@hotmail.com](mailto:mactek2005@hotmail.com)

Ok. I should be in the office during that time so if you want, call me and we can go over the few remaining items. If not, the covenant will be available in the front...just ask Tony.

Thanks,

Sharon Song  
Associate Planner  
City of Carson



701 East Carson Street  
Carson, CA 90745  
(310) 952-1700 ext. 1365  
[ssong@carson.ca.us](mailto:ssong@carson.ca.us)

**From:** MIGUEL CASILLAS [mailto:mactek2005@hotmail.com]  
**Sent:** Tuesday, April 24, 2012 11:17 AM  
**To:** Sharon Song  
**Subject:** RE: International Auto - Restrictive Covenant

Ok,

I might be in torrance thursday morning around 10:30am. -11:30am. I might be able to come by to pick it up earlier. So if you leave the covenant in the morning at the front I will just ask for it and pick it up.

Miguel

---

**Subject:** RE: International Auto - Restrictive Covenant  
**Date:** Mon, 23 Apr 2012 15:54:22 -0700  
**From:** [ssong@carson.ca.us](mailto:ssong@carson.ca.us)  
**To:** [mactek2005@hotmail.com](mailto:mactek2005@hotmail.com)

Hi Miguel,

Thursday afternoon I'll be at a meeting off-site. I'll leave it for you in the front for pick up.

You'll have to call building and safety to get an update on the corrections. 310-952-1766.

Sharon Song  
Associate Planner  
City of Carson  
701 East Carson Street  
Carson, CA 90745  
(310) 952-1700 ext. 1365  
[ssong@carson.ca.us](mailto:ssong@carson.ca.us)

---

**From:** MIGUEL CASILLAS [mailto:mactek2005@hotmail.com]  
**Sent:** Monday, April 23, 2012 2:20 PM  
**To:** Sharon Song  
**Subject:** RE: International Auto - Restrictive Covenant

I can pick it up on Thursday some time. I know you have your staff meeting in the morning and then in the afternoon you are free. Maybe around 2 pm. to pick up the covenant this Thursday. I will meet with her father after wards so he can have her sign record and drop off by early next week. Also have you heard any news from Vic on when he would have response to the corrections we submitted.

Miguel

---

**Subject:** International Auto - Restrictive Covenant  
**Date:** Mon, 23 Apr 2012 10:20:29 -0700  
**From:** [ssong@carson.ca.us](mailto:ssong@carson.ca.us)  
**To:** [mactek2005@hotmail.com](mailto:mactek2005@hotmail.com)  
**CC:** [m\\_guinto@hotmail.com](mailto:m_guinto@hotmail.com)

Hi Miguel,



Please schedule sometime this week to pick up the restrictive covenant for Mariechelle. It's been a while and we need to keep this project moving forward to meet the requirements of the conditions of approval. As stated before, I can't sign off on the plans until this is recorded.

If you're unable to pick it up, let me know and I'll mail it directly to Mariechelle.

Thanks,

Sharon Song  
Associate Planner  
City of Carson  
701 East Carson Street  
Carson, CA 90745  
(310) 952-1700 ext. 1365  
[ssong@carson.ca.us](mailto:ssong@carson.ca.us)



## Sharon Song

---

**From:** Mariechelle Guinto [m\_guinto@hotmail.com]  
**Sent:** Tuesday, April 24, 2012 3:50 PM  
**To:** Sharon Song; Miguel Casillas  
**Subject:** RE: International Auto - Restrictive Covenant

Hi Sharon,  
My father will pick the restrictive covenant on Thursday. Thank you.

Mariechelle

---

**Subject:** International Auto - Restrictive Covenant  
**Date:** Mon, 23 Apr 2012 10:20:29 -0700  
**From:** [ssong@carson.ca.us](mailto:ssong@carson.ca.us)  
**To:** [mactek2005@hotmail.com](mailto:mactek2005@hotmail.com)  
**CC:** [m\\_guinto@hotmail.com](mailto:m_guinto@hotmail.com)

Hi Miguel,

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Sharon Song  
Associate Planner  
City of Carson  
701 East Carson Street  
Carson, CA 90745  
(310) 952-1700 ext. 1365  
[ssong@carson.ca.us](mailto:ssong@carson.ca.us)

## Sharon Song

---

**From:** Sharon Song  
**Sent:** Tuesday, May 01, 2012 8:15 AM  
**To:** MIGUEL CASILLAS  
**Cc:** Mariechelle Guinto  
**Subject:** RE: International Auto - Restrictive Covenant

FYI, the agreement was NOT picked up on Thursday. If you need me to mail it out to Mariechelle, let me know.

Sharon Song  
Associate Planner  
City of Carson  
701 East Carson Street  
Carson, CA 90745  
(310) 952-1700 ext. 1365  
[ssong@carson.ca.us](mailto:ssong@carson.ca.us)

**From:** MIGUEL CASILLAS [mailto:mactek2005@hotmail.com]  
**Sent:** Wednesday, April 25, 2012 2:37 PM  
**To:** Sharon Song  
**Subject:** RE: International Auto - Restrictive Covenant

Sharon,

Marichelle's dad reggie will pick up the corrections at the front counter thursday morning at

Miguel

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**Subject:** RE: International Auto - Restrictive Covenant  
**Date:** Tue, 24 Apr 2012 11:26:40 -0700  
**From:** [ssong@carson.ca.us](mailto:ssong@carson.ca.us)  
**To:** [mactek2005@hotmail.com](mailto:mactek2005@hotmail.com)

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Thanks,

Sharon Song  
Associate Planner  
City of Carson  
701 East Carson Street  
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(310) 952-1700 ext. 1365  
[ssong@carson.ca.us](mailto:ssong@carson.ca.us)

**From:** MIGUEL CASILLAS [mailto:mactek2005@hotmail.com]  
**Sent:** Tuesday, April 24, 2012 11:17 AM  
**To:** Sharon Song  
**Subject:** RE: International Auto - Restrictive Covenant

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Miguel





---

Subject: RE: International Auto - Restrictive Covenant  
Date: Mon, 23 Apr 2012 15:54:22 -0700  
From: [ssong@carson.ca.us](mailto:ssong@carson.ca.us)  
To: [mactek2005@hotmail.com](mailto:mactek2005@hotmail.com)

Hi Miguel,

Thursday afternoon I'll be at a meeting off-site. I'll leave it for you in the front for pick up.

You'll have to call building and safety to get an update on the corrections. 310-952-1766.

Sharon Song  
Associate Planner  
City of Carson  
701 East Carson Street  
Carson, CA 90745  
(310) 952-1700 ext. 1365  
[ssong@carson.ca.us](mailto:ssong@carson.ca.us)

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**From:** MIGUEL CASILLAS [<mailto:mactek2005@hotmail.com>]  
**Sent:** Monday, April 23, 2012 2:20 PM  
**To:** Sharon Song  
**Subject:** RE: International Auto - Restrictive Covenant

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Miguel

---

Subject: International Auto - Restrictive Covenant  
Date: Mon, 23 Apr 2012 10:20:29 -0700  
From: [ssong@carson.ca.us](mailto:ssong@carson.ca.us)  
To: [mactek2005@hotmail.com](mailto:mactek2005@hotmail.com)  
CC: [m\\_guinto@hotmail.com](mailto:m_guinto@hotmail.com)

Hi Miguel,

Please schedule sometime this week to pick up the restrictive covenant for Mariechelle. It's been a while and we need to keep this project moving forward to meet the requirements of the conditions of approval. As stated before, I can't sign off on the plans until this is recorded.

If you're unable to pick it up, let me know and I'll mail it directly to Mariechelle.

Thanks,

Sharon Song  
Associate Planner  
City of Carson  
701 East Carson Street  
Carson, CA 90745  
(310) 952-1700 ext. 1365  
[ssong@carson.ca.us](mailto:ssong@carson.ca.us)



NEW INTERNATIONAL BODY SHOP  
21012 SOUTH MAIN STREET  
CARSON, CA 90745 TEL. (310) 872-3581

April 20, 2012

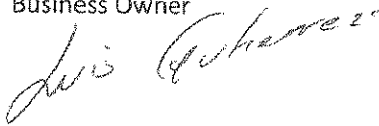
John Signo  
Senior Planner  
Planning Department  
City of Carson, CA 90746

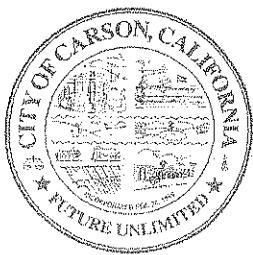
RE: Appointment of Care Taker of my business.

With the recent increased of burglaries and vandalism, I decided to hire Regie Guinto as my care taker of my business. This will definitely provide Regie Guinto additional funding to update and remodel his building to comply with the City of Carson building codes. The money he spend in renting his apartment will be used in improving his building.

Sincerely,

Luis Gutierrez  
Business Owner





## CITY OF CARSON

May 9, 2012

Luis Gutierrez  
New International Body Shop  
21012 South Main Street  
Carson, CA 90745

**RE: Response to Letter Dated April 20, 2012 – Residential Unit**

Mr. Gutierrez:

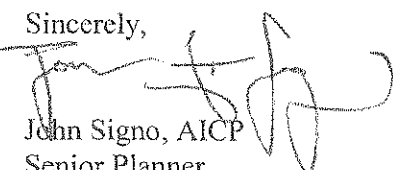
In your letter dated April 20, 2012 you stated that you have hired Regie Guinto as a caretaker to your existing auto repair business located at 21012 South Main Street. You have also stated that he is currently renting or living in the unit that was required to be removed as a condition for the approval of Conditional Use Permit (CUP) No. 831-10 permitting auto repair at the property site.

Per Condition No. 9 of Planning Commission Resolution No. 11-2412 approving CUP No. 831-10 and per your statements as well as the property owner's (Mariechelle Guinto), a residence is not permitted and you agreed to this condition at the December 13, 2011 Planning Commission meeting.

If a residential unit is being utilized on-site, this would be in violation of CUP No. 831-10 and may be grounds for a revocation hearing. Any residential use must cease immediately or you and the property will be subject to enforcement actions identified in Resolution No. 11-2412.

If you have any questions regarding this matter, please contact me or Sharon Song, Associate Planner at (310) 952-1761.

Sincerely,

  
John Signo, AICP  
Senior Planner

Attachments: Letter dated April 20, 2012  
Resolution No. 11-2412

cc: Mariechelle Quinto  
25228 Oak Street  
Lomita, CA 90717  
Sharon Song, Associate Planner  
Jan Tupuola, Code Enforcement Supervisor



# CITY OF CARSON

May 24, 2012

Reggie Guinto  
25228 Oak Street  
Lomita, CA 90717

**Subject:** Conditional Use Permit No. 831-10 – 21012 S. Main Street

Mr. Guinto,

This letter is being sent to you to confirm the agreements of our meeting/discussion on Thursday, May 24<sup>th</sup> in regards to the outstanding conditions for Conditional Use Permit No. 831-12. As discussed, you are in violation of Condition Nos. 24, 25, 26, 27, 30, and, 31 of Resolution No. 11-2412 which requires the removal of unpermitted structures/bathrooms, and submittal for building permits. In addition, a restrictive covenant must be signed, notarized, and recorded prior to staff's approval of plans. The restrictive covenant limits the use of the site to auto repair unless appropriate parking is provided per the Carson Municipal Code as discussed during a prior meeting with Sheri Repp-Loadsman, Planning Officer. As agreed upon, you will be given 14 days from the date of our meeting (May 24, 2012) to satisfy the requirements of the conditions listed above. If the restrictive covenant is not recorded within the agreed upon time period, your CUP may be considered for revocation as stated in Condition No. 5.

If you have any questions or concerns, please contact me at (310) 952-1700 ext. 1365 or [ssong@carson.ca.us](mailto:ssong@carson.ca.us).

Sincerely,



Sharon Song  
Associate Planner

Enclosure: Resolution No. 11-2412

RECORDING REQUESTED BY  
AND WHEN RECORDED MAIL TO:

City of Carson  
Planning Division  
Economic Development Workgroup  
701 East Carson Street  
P.O. Box 6234  
Carson, California 90749

*Exempt from recording fees pursuant to Government Code §6103.*

### RESTRICTIVE COVENANT

Declarant Mariechelle R. Guinto is the fee title owner of the property at 21012 Main Street, Carson, (hereafter the "Property") also identified as Los Angeles County Assessor's Parcel No. 7334-001-041. The property is described in the deed to Declarant recorded in the Office of the Los Angeles County Recorder.

This Restrictive Covenant is made and entered into as of the 19<sup>th</sup> day of March, 2012, by Mariechelle R. Guinto "(Owner)" and the City of Carson, California, a municipal corporation.

### RECITALS

- A. Owner has been issued Conditional Use Permit (CUP) No. 831-10 on December 13, 2011 by the City of Carson Planning Commission to operate an existing auto repair use as defined in the Carson Municipal Code (CMC) Section 9138.2 on the Property, which is in the ML-D (Manufacturing, Light – Design Overlay Review) zoning district.
- B. The purpose of this Restrictive Covenant is set forth as restrictions on the Property, and as covenants running with the land, those conditions which relate to the auto repair use on the property as described in CUP No. 831-10.

NOW, THEREFORE, in consideration of performance by Owner of the Covenants and Conditions herein contained, the parties agree as follows:

1. The property shall be restricted to be used as an auto repair use only, unless additional on-site parking is provided to accommodate an alternate or additional use in accordance with the parking requirements of CMC Section 9162.2.
2. The property shall provide a minimum of five (5) on-site parking spaces at all times to accommodate the auto repair use and as required in CUP No. 831-10.
3. The property is limited to one (1) auto repair bay or one (1) spray booth, unless additional on-site parking is provided in accordance to CMC Section 9162.2.
4. The restrictions shall be binding upon any successor in ownership of the property and lack of compliance shall void the approval of the unit and may result in legal action against the property owner.



5. The foregoing restrictions may not be terminated or amended without the prior written consent of the Planning Officer of the City of Carson. These restrictions shall run with the land and are binding upon heirs, assigns, and successors, in interest of Declarant to the Property.

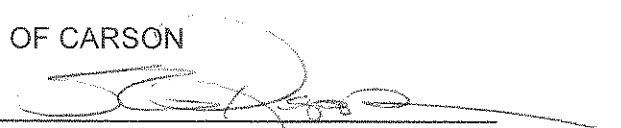
6. This instrument constitutes the entire agreement of the parties hereto with respect to the subject matter hereof, and no modifications hereof shall be of any force or effect until signed by the party to be charged.

7. Violation of the restrictions is a good and sufficient ground to warrant civil action against the Declarant and all other remedies and/or available to the City of Carson for a violation of any of these conditions.

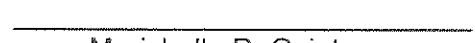
IN WITNESS WHEREOF, the parties hereto have entered into this Covenant as of the day and year first-above written.

**"City"**

CITY OF CARSON

  
Sheri Repp-Loadsman, Planning Officer

**"Owner"**

  
Marichelle R. Guinto

**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

State of California

County of \_\_\_\_\_

On \_\_\_\_\_ before me, \_\_\_\_\_  
(name and title of officer)

personally appeared \_\_\_\_\_,  
proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

**I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.**

WITNESS my hand and official seal.

Signature of Notary \_\_\_\_\_ Date \_\_\_\_\_

